

Lake County Sheriff's Office

Office of Professional Standards

Final Report:

Groveland Police Department Policy Review

Lieutenant John Herrell
Lake County Sheriff's Office

9/6/16

I. SYNOPSIS:

On June 21, 2016, Lieutenant John Herrell was notified that the Groveland City Council had voted to approve requesting the Lake County Sheriff's Office to conduct a review of the Police Department's policies and practices.

Sheriff Gary Borders directed Lieutenant Herrell to assemble a team to conduct the audit.

Lieutenant Herrell then made contact with City Councilman Mike Radzik to discuss the request and establish the parameters of the review.

Upon speaking with Mr. Radzik, he stated that due to a long line of well-documented issues within the Groveland Police Department, the Council felt it appropriate to request the Sheriff's Office to conduct the policy review to determine if there were any areas within the department in which improvements could be suggested, either from a policy or managerial standpoint. He stated the council voted 5-0 in support of the audit.

On Tuesday, June 28, I made contact with Chief Melvin Tennyson to schedule a meeting to discuss the audit. The meeting was scheduled for June 30 at 11 a.m. at the Groveland Police Department.

II. INTRODUCTION:

A. Date of Entrance Interview: June 30, 2016

B. Team Members:

Lieutenant John Herrell, Office of Professional Standards

Sergeant Fred Jones, Office of Professional Standards

Sergeant James Vachon, Community Services

Master Deputy Todd Rowley, Office of Professional Standards

Deputy Bruce Clark, Office of Professional Standards

On June 30, 2016 at 11 a.m., the above-mentioned team members arrived at the Groveland Police Department to begin an audit of the agency's policies and practices in response to a request for such by the Groveland City Council. Upon arrival, the team members met with Groveland Police Chief Melvin Tennyson.

Chief Tennyson provided a brief synopsis of some of the issues the Groveland Police Department has dealt with since his being hired as the chief of police. He stated that he brings accountability to the Department and that there are some employees who do not like change and do not like being held accountable when they don't meet acceptable standards. He attributed the recent issues the Department has been having to this fact.

Chief Tennyson then provided the team with a complete set of the City of Groveland and the Groveland Police Department policy manuals. He then gave the audit team a tour of the facility.

Chief Tennyson was welcoming and accommodating and informed the team members that they had unlimited and unrestricted access to the facility.

This report outlines the pertinent policies and procedures that came under review and includes any recommendations deemed appropriate. Attached to this report are supplemental reports from other team members.

II. Assessment:

A. Policy Review:

1. Organization and Authority

Section 200 of the Groveland Police Department Policy Manual sets forth the organizational structure and chain of command within the Department. This section was revised in July 2015.

This policy requires the chief to update the organizational chart annually, or as changes in the Department's structure require updating. A separate, detailed organizational chart was provided by Chief Tennyson showing where different positions fall within the chain of command. The chart appears to have been updated at the end of July 2015.

This section also establishes command protocol for situations when the chief is absent.

The rank structure of the Department is included and clearly stated in this section of the directive; therefore, members of the agency should have a clear understanding of the organizational and rank structure, as well as their appropriate lines of communication.

In addition, this section clearly states the authority of each level of supervision relative to disciplinary actions.

This directive also provides job descriptions, to include the duties and responsibilities of various positions and assignments within the agency.

2. Written Directive System

Section 110 of the policy manual describes the Department's written directive system by defining and describing the different types of orders and providing examples of appropriate topics for each.

The Department uses general orders for new or revised procedures meant to be adopted for long-term use. These orders are also used to announce when a certain policy is being rescinded.

Special orders are used to provide policies and procedures for events that are temporary in nature or more narrowly directed to a specific unit of the Department.

Dissemination and receipt of these orders are tracked by hand-signed receipts by employees for hard copies of the new or revised policy, as well as through electronic read receipts for copies sent electronically to employees.

Chief Tennyson has designated a single employee to review the policies routinely and update them as needed. The policy manual appears current and up to date as several revisions were made during 2015.

3. Biased-Based Profiling

Florida State Statute 166.0493, titled ***Powers, duties, and obligations of municipal law enforcement agencies***, states the following:

On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other anti-discriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Upon reviewing the agency's policy manual, General Order 3, *Bias-Based Profiling*, was found to meet all required elements of the statute.

4. Anti-Harassment Policy

Section 498 of the policy manual prohibits various forms of harassment, to include sexual, ethnic, racial, religious, or personal harassment or unwanted conduct. The policy provides clear means by which such harassment can be reported as it allows employees to report such incidents to any supervisor of their own choosing. If the employee believes the complaint is not being properly handled by the supervisor to whom it was initially reported, the employee is to report the incident to a different supervisor and continue this process until the employee believes the complaint is being handled.

The directive states that every supervisor is responsible for preventing such acts from occurring.

Protocols for investigation into complaints of harassment are also clearly set forth. All complaints are to be investigated on a case-by-case basis and in those incidents where a violation has occurred, the policy states that immediate action will be taken to remedy the

situation and prevent further such occurrences. It goes on to state that all persons who violate this policy will face disciplinary procedures, up to and including termination.

The policy also requires any supervisor receiving a complaint of harassment to immediately notify the Chief of Police both verbally and in writing.

This directive is quite thorough and includes a clear prohibition against harassment, as well as procedures for reporting and investigating such incidents.

a. Claims of Sexual Harassment:

During the course of this policy review, Sergeant Vachon reported that he had received information through interviews that several complaints of sexual harassment had been filed by employees of the Police Department against a sergeant and those employees did not feel the complaints had been investigated (see Appendix A).

Master Deputy Rowley examined closed Internal Affairs cases and could not find any such complaints.

It was at that point that Lieutenant Herrell made contact with Groveland City Manager Redmond Jones (on July 22) to determine whether or not he is ever involved in administrative investigations concerning Police Department employees. Mr. Jones explained that only occasionally does he get involved and that he has been more so recently due to some whistleblower complaints. He further explained that due the whistleblower complaints filed against Chief Tennyson, he (Jones) attempts to handle any situations involving those who filed the complaints so as to avoid any appearance or concerns of retaliation. He stated he currently has several cases that are still open and that three have been closed out.

An appointment was scheduled for the following Tuesday at Groveland City Hall to review the three closed cases that had been reviewed by Mr. Jones.

Lieutenant Herrell and Sergeant Jones went to City Hall on Tuesday, July 26, 2016 to peruse those closed cases that had initially been forwarded to Mr. Jones for his review and determination as to any further investigative assignment. Three cases were reviewed, none of which pertained to allegations of sexual harassment.

Upon reviewing the three aforementioned cases, Lieutenant Herrell and Sergeant Jones met with Mr. Jones. Lieutenant Herrell informed Mr. Jones that information had been received by Sergeant Vachon during staff interviews that suggested as many as six sexual harassment claims had been filed by employees of the Police Department against a sergeant and the employees felt those complaints were possibly never investigated. Mr. Jones stated that during the course of the previous seven months or so, some employees had in fact spoken of inappropriate comments or behavior on the part of the sergeant, but most did not wish to file a complaint. One such employee admitted to asking the sergeant for a back massage and therefore felt somewhat responsible for his

behavior in that instance. In another situation, an employee resigned after filing a sexual harassment complaint.

In response to these concerns raised by the employees, sexual harassment training was provided to all City employees.

Due to the fact that details concerning open administrative investigations are confidential per state statutes, no information was available concerning any cases Mr. Jones still currently had under review.

Recommendations:

As stated, the Police Department's policy manual provides a firm stance regarding sexual harassment prevention, reporting, investigating, and corrective action. The policy states, in part:

- A. *Corrective Action: It is the Department's position to take corrective action to prevent such unwanted conduct from occurring and to deal with all such reported incidents in a fair, impartial and speedy manner. All complaints or incidences will be investigated on a case by case basis. In those incidences, where a violation has been shown to occur, immediate action will be taken to remedy the situation and to prevent its occurrences. All persons who violate this policy will be subjected to disciplinary procedures up to and including termination.*
- B. *Procedure: It is each employee's responsibility to help eliminate all forms of prohibited harassment and unwanted conduct. It will be every supervisor's responsibility to prevent such behavior from occurring.*
 - 1. *When incidences of harassment occur, they are to be reported immediately to any supervisor of the employee's own choosing. If an employee believes for any reason that a supervisor they reported the incident to is not properly handling the matter, the employee must make a similar report to another supervisor and so on, until the employee believes the complaint is being handled.*
 - 2. *All supervisors who receive a complaint of harassment will immediately inform the Chief of Police in writing and verbally.*

It is imperative that organizations not only have in place clear policies that prohibit all forms of harassment and unwanted conduct, but they must also act swiftly to fully investigate any potential incidents of sexual harassment in order to ensure a harassment-free workplace and protect the employees' confidence in the agency's ability to remedy such situations. Merely having a policy in place is insufficient;

agencies must also adhere to the policies in order to cultivate consistency and accountability.

It is unclear how many complaints of sexual harassment exist, or existed; however, at least some employees of the Department do not feel incidents of sexual harassment are thoroughly investigated as the policy requires.

Going forward, the Police Department needs to aggressively and thoroughly investigate any and all claims of harassment and hold accountable those who have been found to have violated the policy. In addition, in the interest of transparency and maintaining public trust, any such investigations and results of such need to be made publicly available at the earliest opportunity.

5. Processing Complaints and Administrative Investigations, Disciplinary Action/Due Process:

At a minimum, Florida State Statute 112.533, *Receipt and Processing of Complaints*, requires law enforcement agencies to establish and put into place a procedure for the receipt, investigation, and determination of complaints received by the agency.

Upon reviewing Section 342 of the policy manual, it was determined that the agency directive meets the basic policy requirements of the statute as it sets forth procedures for the receipt, processing, and investigation of complaints, and also details the various conclusions of fact.

This policy also specifies what positions may accept a complaint and gives investigative options, depending upon the seriousness of the alleged violation.

a. Review of Practices:

As part of this review, Master Deputy Rowley examined closed internal investigative case files to determine whether or not the Law Enforcement Officers' Bill of Rights, found in Florida State Statutes 112.532-112.534, was followed.

While the policy meets the basic requirements of the related statute, Master Deputy Rowley found repeated procedural violations of the Law Enforcement Officers' Bill of Rights where disciplinary action was handed down time and again without advance notice. This finding is consistent with information provided to Sergeant Vachon by employees during his staff interviews.

Florida State Statute 112.532(4)(a) NOTICE OF DISCIPLINARY ACTION states, in part:

A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer

is notified of the action and the reason or reasons for the action before the effective date of the actions.

Master Deputy Rowley also inspected the maintenance of closed files and found there to be a lack of organization and no apparent system for filing or tracking the cases. Some of the folders contained documents not related to internal investigations while other documents related to actual disciplinary action were found, but with no correlating investigative report or documents.

Commander Anthony Biasella, the agency's internal affairs investigator, stated that any open internal investigations would be maintained securely within his office at all times.

See Master Deputy Rowley's report (Appendix B) for further specifics.

Recommendations:

It is strongly recommended that when conducting administrative investigations into allegations of misconduct that, if proven true, could reasonably be expected to result in disciplinary action, the investigating officer strictly adhere to Chapter 112 of Florida Statutes in all facets of the investigative process. This could possibly be accomplished by adding a statement in the agency policy requiring such. At the very least, such a policy statement will serve to direct the investigator to refer to the governing state statute for guidance.

As stated previously, it is required by law that any subject officer(s) facing disciplinary action be provided with advance notice of the intended disciplinary action, so that the officer(s) may respond with any further mitigating circumstances that may serve as a defense. The agency's policy requires that a subject officer receiving disciplinary action be "advised in writing" of the effective of the disciplinary action. While the spirit of this policy statement may be to give advance notice, as written, it does not require the notice to be given in advance of the actual effective date.

If administrative investigations closely follow the requirements of the Law Enforcement Officers' Bill of Rights, the officers' rights to due process will not be infringed upon.

6. Grievance Procedures:

The City of Groveland Personnel Policy Manual Section 718, *Problem Resolution*, was found to provide City employees with an informal conflict-resolution process. The policy provides an avenue for employees to grieve established rules, policies, or practices and states that no employee will be penalized for utilizing this procedure.

This directive spells out step-by-step procedures for employees wishing to address such concerns and also includes procedures for administrative personnel for reviewing and responding to the complaints within a specified timeframe.

Recommendation:

This policy provides the framework for what would be an effective method for resolving differences and conflicts in an informal manner. The agency should ensure that employees receive refresher training on this policy, to include training on how and when to utilize it, and encourage them to use it when appropriate.

7. Performance Evaluations:

General Order 35 outlines the agency's performance evaluation procedures. This policy is very thorough and includes objectives of the performance evaluation system, states when evaluations are required, sets forth evaluation criteria and rater responsibility, and also provides opportunities for appealing the evaluations.

As previously stated, this policy is very thorough and even meets many, if not all, accreditation standards pertaining to performance evaluation programs.

Recommendations:

The performance evaluation program is an effective tool through which supervisors are able to communicate to their subordinates the desired level of performance and expectations. Supervisors should use this program to get the desired results and to provide constructive criticism when the employee's performance falls below acceptable standards.

Consistent use of the performance evaluation system should serve to address and correct employee deficiencies, improve communication between supervisors and subordinates, and improve overall performance throughout the entire agency.

8. Rachel's Law:

Section D., 631-640, of the Department's policy manual establishes procedures related to the use of confidential informants.

Florida State Statute 914.28, known as Rachel's Law, sets forth certain required items that law enforcement agencies that use confidential informants must have in their policies. Section D. was examined to determine whether or not the policy complied with the requirements of Rachel's Law and it was found to be lacking several of the required items.

Two required elements concerning the use of confidential informants not found in the agency policy are:

- *The process to advise a confidential informant of conditions, restrictions, and procedures associated with participating in the agency's investigative or intelligence gathering activities (F.S. 914.28 (4)(c);*

- *Guidelines to deactivate confidential informants, including guidelines for deactivating communications with confidential informants (F.S. 914.28 (4)(f));*

Rachel's Law also requires the agency policy to set forth certain factors to be considered when assessing the suitability of using a person as a confidential informant. These factors were not spelled out in the policy and include the following (F.S. 914.28 (5)(a-h)):

- *The person's age and maturity;*
- *The risk the person poses to adversely affect a present or potential investigation or prosecution;*
- *The effect upon agency efforts that the disclosure of the person's cooperation in the community may have;*
- *Whether the person is a substance abuser or has a history of substance abuse or is in a court-supervised drug treatment program;*
- *The risk of physical harm to the person, his or her immediate family, or close associates as a result of providing information or assistance, or upon the disclosure of the person's assistance to the community;*
- *Whether the person has shown any indication of emotional instability, unreliability, or of furnishing false information;*
- *Whether the use of the person is important to or vital to the success of an investigation.*

The law also requires specific written security procedures to be included in the policy. Those missing include the following:

- *Limit availability to records relating to confidential informants to those within the law enforcement agency or law enforcement community having a need to know or review those records, or to those whose access has been required by court process or order;*
- *Require notation of each person who accesses such records and the date that the records are accessed;*
- *Provide for review and oversight by the law enforcement agency to ensure that the security procedures are followed;*
- *Define the process by which records concerning a confidential informant may be lawfully destroyed.*

Recommendations:

If the agency uses, or plans to use, confidential informants, it is imperative that the directive be revised to meet all the policy requirements listed in Rachel's Law.

9. Accounting System for Expenditures of Confidential Funds:

Florida Statute 925.055, *Law Enforcement Investigative Funds*, requires agencies to adopt policies for the accountability of the expenditure of such funds within the agency.

Upon reviewing Section E., 641-646, the agency's policy was found to be in compliance with said statute.

B. Staff Interviews and Review of Internal Investigations Case Files:

SEE APPENDICES AT THE END OF THIS REPORT

SEE SUMMARY ON FOLLOWING PAGE

III. Summary:

The Groveland Police Department is a small police agency with approximately 30-40 personnel. It lists People, Integrity, Compassion, Respect, Professionalism, and Diversity as its core values on the agency Facebook page.

Recently, the agency has been marred by controversy stemming from what appears to be inner conflict and turmoil amongst the employees and administration. Due to the nature of these recent issues, this review was rather narrowly focused on those policies governing administrative areas and personnel matters. Other policies were reviewed simply to verify compliance with state statutes that require agencies to have them in effect.

The Department's policy manual was updated during the summer months of 2015. Upon review, the policy manual was found to be quite voluminous, containing many detailed policies that cover a wide range of modern law enforcement topics. Upon reviewing specific policies, some were found to even meet accreditation standards established by the Commission for Florida Law Enforcement Accreditation (CFA), though the agency is not accredited.

Policies are in place that clearly outline the agency's organization and command structure, which should provide for clear lines of authority and communication, both up and down the chain of command.

There is also a policy that sets forth a system for employee performance evaluations, one that provides a conflict-resolution procedure, and another prohibiting all forms of harassment. Agency policy also spells out procedures for internal affairs investigations and disciplinary actions.

In general, these policies at face value provide what most would consider to be the necessary framework for effective leadership, supervision, and administration of agency personnel. The directives are clearly written and as stated, are consistent in most areas with modern law enforcement practices. Only one policy, Section D., relating to confidential informants, was found to be lacking elements required by state statutes.

During this policy review, Sergeant James Vachon conducted interviews with employees to determine their level of understanding of the departmental policies and procedures and to accept any suggestions they could offer for improvements. Sergeant Vachon noted in his report several issues and concerns expressed by numerous employees, as well as their suggestions. See his report (Appendix A) for additional details of his interviews and his specific recommendations.

It is recommended that the Groveland Police Department seek accreditation through the Commission for Florida Law Enforcement Accreditation. The Commission requires compliance with more than 275 professional standards that are clear, practical, and achievable for any police department or sheriff's office, regardless of size or number of employees. The Commission states in its standards manual that the program was designed with consideration for the following goals:

- To establish and maintain standards that represent current professional law enforcement practices;
- To increase effectiveness and efficiency in the delivery of law enforcement services;
- To establish standards that address and reduce liability for the agency and its members;
- To establish standards that make an agency and its personnel accountable to the constituency they serve; and
- To implement a Florida accreditation program that establishes standards which do not conflict with national standards.

Several of the agency's existing policies already meet accreditation standards set forth by the Commission; therefore, beginning the process of working towards achieving accreditation would not be as labor intensive as it would be if the agency had to draft completely new policies. Becoming an accredited agency would improve the public trust in the agency and would very likely help eliminate some of the recent personnel issues as accreditation not only requires an agency to have effective policies in place, but agency administrators and personnel are also required to closely follow said policies.

IV. Conclusion:

This review focused primarily on policies and procedures and included interviews with employees in an effort to determine if there are any areas within the department in which improvements can be made. As such, this report outlines the findings of the review, and in brief, includes the following:

- Information from employees was received that suggested as many as six sexual harassment claims had been filed against a sergeant. The employees felt that the complaints were possibly never investigated. No documentation was found during this review that indicates these complaints were investigated, which would be contrary to agency policy. The complaints could possibly still be open and under investigation by the City Manager.
- Repeated procedural violations of the Law Enforcement Officers' Bill of Rights were found when reviewing closed internal affairs cases. These violations consisted of officers receiving disciplinary action with no advance notice, which is contrary to state statute and violates their rights to due process.
- There is no system in place for maintaining and tracking internal affairs case files. Case files were found to be disorganized or lacking pertinent documentation.
- State statutes require agencies utilizing confidential informants to include certain specific elements within their policies. Several requirements of this law, commonly known as "Rachel's Law," were found to be missing from the policy.
- During interviews, a majority of the employees expressed an overall distrust of the agency's administration. Many expressed frustration with the Department and felt that imminent changes in leadership were needed.
- Allegations were made regarding illegal use of performance-enhancing drugs without a prescription by high-ranking officials. It is recommended that any such criminal allegations be forwarded to the Florida Department of Law Enforcement for follow up investigation and that the City give consideration to drug testing employees of the Police Department, upon receiving credible information of illegal drug use.

Report completed by:

Lieutenant John Herrell
Office of Professional Standards
Lake County Sheriff's Office

September 6, 2016

Appendix A



Lake County Sheriff's Office Staff Inspection Report

Groveland Police Department

Start Date: 06/30/2016

End Date: 08/18/2016

Executive Summary:

The Lake County Sheriff's Office was requested by the Groveland City Council to perform an audit of the Groveland Police Department's policies and procedures. As part of the audit, a staff inspection was conducted. A staff inspection is a process for gauging the level of understanding of departmental policies and procedures, how the policies and procedures are functioning and any suggestions for improvement. On June 30, 2016 the audit was started with a meeting with the Chief of Police, Melvin Tennyson.

Methodology:

This document is the final report from the staff inspection portion of the audit and is based on personnel interviews conducted at the Lake County Sheriff's Office South District Office, Groveland Police headquarters and via telephone when circumstances would not allow for a face to face interview.

It should be noted that the Chief of Police will be referred to as the CEO for the purposes of this report.

All comments cited in this report were the opinion of the employees interviewed and should not be considered fact unless investigated further.

Equipment and Facilities:

******It should be noted that this section should not be considered a formal site survey, building inspection or comprehensive list of necessary building improvements. Rather this report is based merely on interviews and observations.***

On June 30, 2016 I was present during a meeting with Groveland Police Chief Tennyson at the department's headquarters located at 408 W Orange St, Groveland, FL 34736. Chief Tennyson welcomed our group and made his staff and any documentation available for our review; including access to any areas of the department as needed. We were escorted on a tour of the facilities to include the main office and satellite building housing the department's investigative functions. Chief Tennyson indicated that the facilities were undergoing improvements and pointed out several improvements to the facility that had already been completed to include:

1. Communications Center remodeling- Sound dampening material was added to the walls and security was improved to preclude un-escorted individuals from entering the communications center from the outside. Additionally a window that had previously allowed for an outside view into the communications center was covered and secured.
2. Improvements to the evidence storage area had been completed during Chief Tennyson's tenure. We were escorted on a tour of the evidence facility by the evidence custodian, Officer Bill Urbanowski. Officer Urbanowski provided a sign-in log to our group before entering the secure storage area and verified that it had been signed. He showed our group the security measures in place to include locked doors and cabinets, video surveillance equipment in the secure area and key control. Chief Tennyson indicated that after making improvements to the evidence section officials with FDLE performed an inspection and certified the facility.

Overall the facilities appeared adequate to the functioning of the department. Chief Tennyson indicated that ongoing improvements to facilities were in progress. One area of concern was pointed out to our group regarding the electrical supply to the main building. The electrical boxes to the facility are located on the outside of the building with no security. Chief Tennyson pointed out the issue to our group and expressed a desire to have security improved for the electrical boxes.

Regarding equipment deployed to individual officers, Chief Tennyson pointed out the department's body camera system to include security measures for the video contained on each unit. Chief Tennyson also pointed out the department is researching new uniform equipment including outer-worn vest carrier systems that will better accommodate the officer worn body cameras.

Policies and Procedures:

At the time of this report the department disseminates new policies and procedures via read-receipt email. The department is evaluating the "Power DMS" system for policy management.

As requested by the City Council, I reviewed the departmental policies regarding harassment, grievance procedure and internal affairs. After becoming familiar with the departmental policies I scheduled interviews with all sworn members as well as dispatchers. A standard questionnaire was used in all interviews and was written to gauge the level of understanding of the individual policies, employee knowledge of where to find answers to policy questions and overall opinion of the functioning of the department to include suggestions for improvement. Each employee interviewed was advised that their responses to my questions would be summarized in this report but they were also advised that their identity would remain anonymous. A total of 27 employees were interviewed.

During staff interviews each employee was asked the following questions from the pre-printed form:

1. Years of service (for statistical data)
2. Do you have a clear line of authority/supervision?
3. Are you familiar with the grievance procedure or if not do you know where to find it
4. Have you ever filed a grievance and if so do you feel it was handled properly?
5. If you were to file a grievance do you believe it would be handled properly?
6. Have you ever been involved in an Internal Affairs investigation and if so do you feel it was handled properly?
7. If you were to be involved in an Internal Affairs investigation whether as a subject officer or witness do you believe you would be treated fairly?

Clear Line of Authority:

All employees knew their chain of command and had no misunderstanding as to their line of authority.

Grievance Procedure:

Most employees were at least aware that there was a grievance procedure but I found that few actually knew of the actual policy (City of Groveland Personnel Policy section 718 Problem Resolution) and a majority of employees who had filed a complaint or grievance did not feel that they had been treated properly and/or that their grievance was taken seriously.

Internal Affairs:

With regards to the Internal Affairs policy, again most employees had a working knowledge of Internal Affairs. Several employees who claimed to have been the subject of an Internal Affairs investigation believed their Peace Officer Bill of Rights protections (F.S. 112) had been violated either maliciously or inadvertently. Complaints about Bill of Rights violations were primarily in the area of due process and notifications (initial notification, lack of intent to discipline notification, no opportunity to submit mitigating circumstances, right to appeal etc.). Several referred to "unofficial" internal affairs investigations where officers had been surreptitiously followed by other officers while on and off duty allegedly at the direction of the CEO. The employees allegedly found out at a later date that they had been under investigation but were never notified in accordance with the Peace Officer's Bill of Rights. Whether accurate or not a majority of employees also felt that the Internal Affairs/Disciplinary Process was used maliciously against employees who disagreed with management. Very few employees interviewed that had been involved in an Internal Affairs investigation felt that they had been treated fairly. A majority of employees who had **not been** involved in an Internal Affairs investigation believed they would be treated fairly.

Supervision and Leadership:

Several employees interviewed indicated varying levels of mistrust for supervisors, command level officers and the CEO. The same officers indicated that certain members of the department are routinely allowed to violate established policies and procedures with the full knowledge of members of command staff including the CEO with no consequences. It was alleged that several complaints have been communicated to the CEO as well as the City Manager and have either been ignored or the reporting employee was subject to reprisal for making the complaint; a perceived fear of reprisal by command staff for participating in the staff inspection was communicated to me by numerous employees. One Sergeant in particular was mentioned by numerous employees as having committed many policy and moral character violations (to include several sexual harassment complaints) but was never disciplined. It was also alleged that this Sergeant was involved in the use of performance enhancing medications which he was possibly sharing other employees to include the CEO.

Conclusion:

At the conclusion of the interview process it was apparent that the majority of employees felt that major changes were needed to improve the overall health of the department. There appeared to be an overall mistrust of department management by a majority of employees interviewed. Allegations of malicious officer discipline and harassment were made by numerous employees. Likewise numerous allegations were made of management failing to take corrective action against several employees who were flagrantly violating departmental policies and violations of moral character; they were referred to as "protected". Employees felt that their jobs were constantly at risk if they

were not favored by management and were therefore somewhat timid to perform their duties to the fullest extent out of fear of harsh discipline for minor mistakes.

Numerous employees expressed pride in their service to the community but extreme frustration with the department. When asked for suggestions for improvement a majority suggested changes in leadership of the department and the City government. Several employees stated they had experienced health concerns brought on by stress from work which was then exacerbated by the inherent stress of police work.

A small number of employees interviewed expressed satisfaction with their jobs and had no suggestions for improvement.

Several employees expressed that they felt the CEO was trying to make a difference but were still somewhat skeptical due to a perception of squabbling amongst command staff.

Suggestions for improvement mentioned by multiple employees were:

- Heavy increase in training.
- Fair and equitable administration of disciplinary practices (end favoritism/perceived protection of certain officers from disciplinary actions)
- End of squabbling among administrators
- End perceived targeting of certain officers
- Individual employees stop concerning themselves with issues regarding other employees.

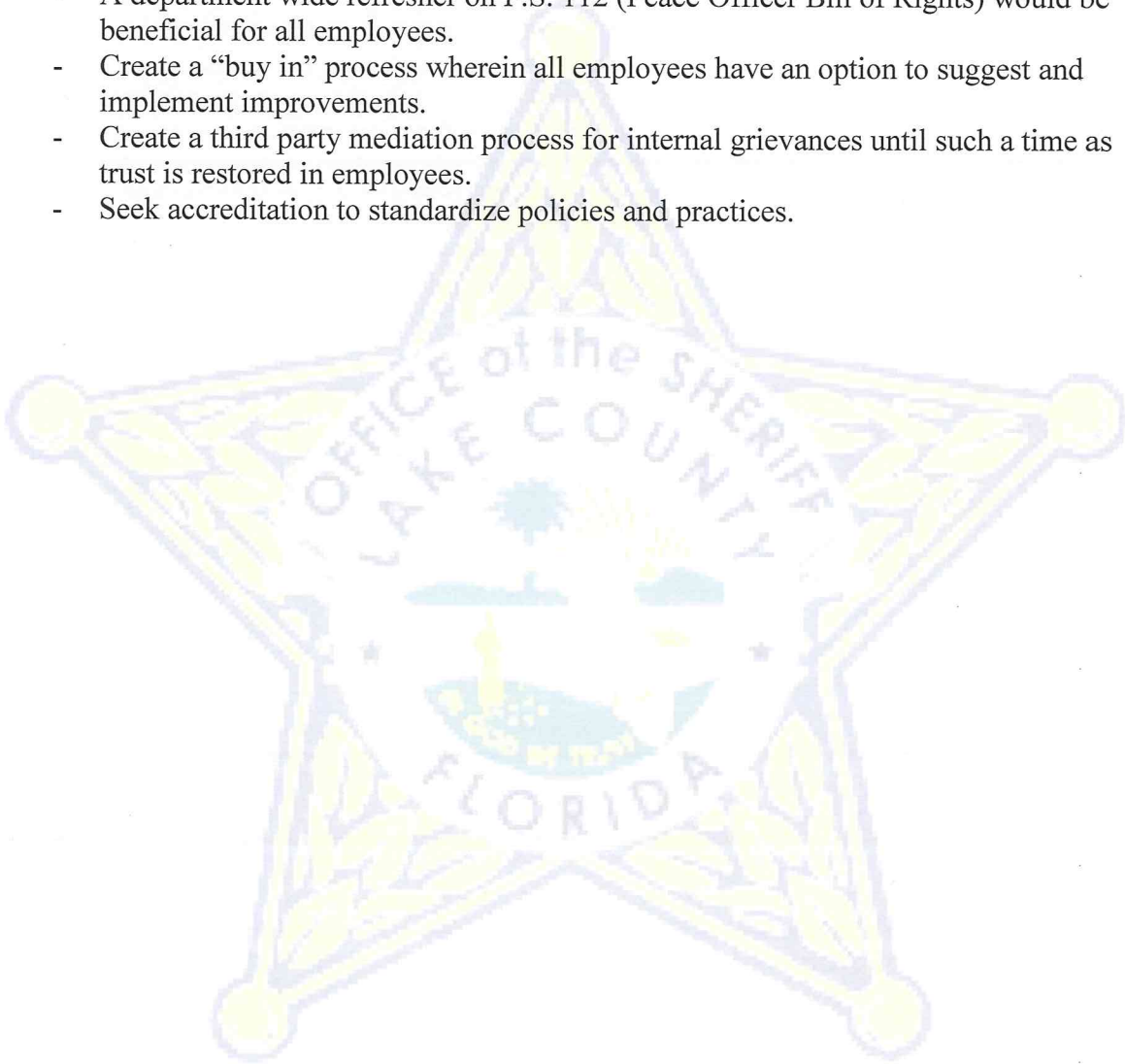
During interviews several accusations were made by employees regarding inappropriate behavior by ranking officials at the department. The most serious accusations included:

- Several alleged sexual harassment complaints filed by multiple employees that went uninvestigated and/or dismissed by management.
- F.S. 112 due process violations during Internal Affairs investigations
- Allegations of illegal use of performance enhancing drugs without a prescription by high ranking officials.
- Employee harassment by management
- A complaint filed by a citizen against a supervisor for making inappropriate remarks of a sexual nature to a juvenile that went uninvestigated. It was further alleged that the department insisted that the citizen take a polygraph exam prior to investigating the claim.

To reiterate, this report is based on statements and opinions expressed during employee interviews. This document is not intended as an investigative report but merely a generalization of opinions expressed during one on one interviews.

Recommendations:

- A department wide refresher training regarding grievance procedures (City of Groveland Personnel Policy section 718 Problem) should be conducted for all personnel both staff and management.
- A department wide refresher on F.S. 112 (Peace Officer Bill of Rights) would be beneficial for all employees.
- Create a "buy in" process wherein all employees have an option to suggest and implement improvements.
- Create a third party mediation process for internal grievances until such a time as trust is restored in employees.
- Seek accreditation to standardize policies and practices.



Sergeant James Vachon

Date: 9/1/16

Appendix B



Lake County Sheriff's Office Internal Affairs Audit

Groveland Police Department

Start Date: 06/30/2016

End Date: 08/18/2016

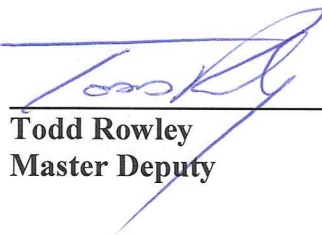
The Lake County Sheriff's Office Professional Standards Unit was directed to assist the Groveland Police Department in an assessment of their policy and procedures. Master Deputy Todd Rowley was instructed to evaluate the complaint process and specifically the internal affairs process.

1. Commander Anthony Biasella provided me with access to the closed internal affairs investigations on file which were contained in a file cabinet in his office.
2. Upon inspection of the Internal Affairs filing system it was apparent that there was no organization as far as a database or filing system. The files were kept in manila folders with names on the tabs. Some folders contained a single document that did not pertain to internal affairs investigations such as an invoice or other miscellaneous internal paperwork.
3. Commander Biasella showed me recordable cd's with interviews confirming that he records all interviews per the Law Enforcement Officer's Bill of Rights. Commander Biasella advised that he provides a subject officer with a "Notice of Inquiry" which notifies them that there has been a complaint filed against them. The notice tells the officer all the pertinent information afforded to them by the Bill of Rights.
4. Investigations contained an affirmation of investigative integrity as outlined in the Bill of Rights.
5. Three separate documents were located in regards to discipline against Officer Jesse Baker and did not have any IA notations. A letter of reprimand was given on November 8, 2013, June 2, 2014, and Sept 20, 2014. There were no assigned IA numbers to these formal discipline letters.

6. Commander Anthony Biasella, who is the internal affairs investigator, stated that many times administration would place a file in the cabinet without his knowledge and would remove files as well.
7. Commander Biasella also advised that there was a sexual harassment complaint and investigation conducted on him however the interview was not recorded and he was not notified by a notice of inquiry. Commander Biasella advised that the City Manager conducted the investigation and did not proceed by the Bill of Rights.
8. All disciplinary actions were given to officers titled "notices of disciplinary action" however they served as a final discipline. It appears officers are not given advance notice of discipline or any timeframe to respond to discipline. Many investigations were sustained on the same date the officers were given final discipline. Per the Law Enforcement Officer's Bill of Rights, (4)(a) NOTICE OF DISCIPLINARY ACTION.--A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.
9. Of the 27 IA files reviewed, 9 investigations that were sustained with formal disciplines of Letter of Reprimand and above did not allow the subject officers to offer mitigating circumstances prior to imposing the discipline. The final notice however, did have a section where the officer could select if they did nor did not agree with the discipline.
10. Investigation #G13-12-1163 involved Corporal Katherine Homelius who was alleged to have contacted an officer who was on duty to talk about the union which is in violation of Groveland policy. Corp. Homelius was also given a letter of counseling for not closing out cases while she was a detective which she refused to sign. Corp. Katherine Homelius was served a subject officer letter on December 4, 2013 ordering her to appear for an interview on December 13, 2013. Corp. Homelius arrived at the interview with counsel and was not given all documents prior to questioning. Interview continued without remedy forcing counsel to tell Corp. Homelius not to respond. Interview was finally terminated and Chief Tennyson was notified. Chief Tennyson was faxed a request from counsel to take the complaint of violation of the Bill of Rights to compliance review board. Corp. Homelius sued Groveland in open court.

11. Investigation #G13-11-1157 is related to the above investigation and involved subject officer Corporal Katherine Homelius, which showed on December 13, 2013 the investigation was sustained. Corporal Homelius did not agree with discipline which was termination. Chief Tennyson drafted a letter advising she has until December 19, 2013 to address the findings so a final determination can be made. January 14, 2014 a compliance review panel met on the case due to possible bill of rights compliance issues (not giving Homelius all documents and related evidence). The board ruled that there were some issues with the investigation. Corporal Homelius and her counsel took the case to court for violation of the Bill of Rights. The court disposition shows that the case was closed as "dismissal with prejudice."
12. Dispatcher Iris Vasquez was told by Lieutenant Penvose to obtain a copy of a report to be redacted for a news reporter. Dispatcher Vasquez redacted the report and requested that I.A. Investigator Lt. Biasella review the report to make sure she redacted correctly. Lt. Biasella ordered her to make sure to forward the redacted case file to the city clerk for final review before releasing to the media. It was alleged that Dispatcher Vasquez released the report to the reporter without sending it to the city clerk. Dispatcher Vasquez was given a discipline notice (letter of reprimand) for failing to obey Lt. Biasella's order. Dispatcher Vasquez signed the final discipline "under duress of termination" She was not given due process or a notice of intent for mitigating her position.
13. Investigation #IIR:G15-09-0024 reveals that on August 21, 2015, Corporal Cardoso had a verbal dispute with fellow officer Sergeant Russell and began recording the dispute with his body camera unbeknownst to Sergeant Russell. Corporal Cardoso was placed on suspension without pay on September 4, 2015 pending the IA for criminal charges for recording without knowledge. On October 2, 2015, the IA was sustained and Corporal Cardoso was given a discipline letter of additional three day suspension to be added to his current suspension. He was not given advance notice of the discipline. Corporal's representative pointed out a violation of Bill of Rights and wanted complaint review board but was denied stating the investigation was already complete and the attorney had to request a complaint review hearing before it was completed. Investigator cited Fraternal Order of Police 67 v. City of Gainesville "a compliance review hearing is not available to review violations occurring after the investigation is complete." State Attorney Walter Forgie reviewed the body camera complaint for violation of state statute and responded on September 9, 2015 that it was done in a public parking lot where there was no expectation of privacy and his office would not pursue it criminally. Corporal Cardoso was still disciplined with an additional three day suspension.

14. Investigation #G13-01-437 and G13-01-442 involved Dispatcher Iris Vasquez who was issued a letter of reprimand for violating the incompetence policy for dispatching two calls for service with limited information and too much emotion. She was placed on 90 days probation as well and completed the probation period without issues. As with the other discipline processes, she was not given advance notice.



Todd Rowley 8-23-16
Master Deputy Date