



**Pinellas Police Standards Council
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, FL
Agenda: Wednesday, April 13, 2016 – 8:30 AM**

1. **Call to Order** – Chairman Rick Stelljes
2. **Approval of PPSC Minutes** –Draft Attached
3. **Guest Speakers** –
Chief Holloway invited Tampa Bay Rays President Brian Auld to give a brief presentation regarding the Rays Voucher Program for kids to attend Tampa Bay Rays baseball games.

Chief Kochen invited Dr. Erin Kimmerle, Associate Professor of Anthropology at USF and Scientific Director of the school's Forensic Anthropology Laboratory, to give a brief presentation regarding her field of expertise.
4. **PASS Update** – Director Waters
5. **Committee Reports** –
 - ❖ Legislative Committee – Chief Haworth
 - ❖ Training – SPC Dean Brian Frank
 - ❖ Standards Review Committee – Chief Rob Vincent
 - 2 scheduled appeals to be heard
 - ❖ Finance – Chief Bill Sohl

❖ Pinellas County Safety & Emergency Services – Director Mike Cooksey

❖ Pinellas County Justice Coordination – Operations Manager Deborah Berry

6. New Business

Council approval consideration toward the recommendations of the Standards Review Committee's review of the PASS Administrative Interview Questionnaire.

7. Old Business

8. Roundtable

9. Adjourn

Next Meeting
Wednesday, May 11, 2016 – 8:30 AM
Pinellas County Sheriff's Office
Administration Building
10750 Ulmerton Road
Largo, FL 33779



**Pinellas Police Standards Council
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, FL
Agenda: March 9, 2016 – 8:30 AM**

1. **Call to Order** – Chairman Rick Stelljes

2. **Approval of PPSC Minutes** –
 - ❖ Motion by Chief Bill Sohl and Major Jeff Young – The Council unanimously approved the February 10, 2016 PPSC Minutes.

3. **Guest Speakers** –
 - ❖ Assistant Attorney Tracey Jaensch of FordHarrison Labor Law Firm provided a brief overview of the current labor laws and their potential impact within governmental agencies. Some of the topics discussed included the relationship between employer and employee rights regarding fitness for duty, light duty and the Family Medical Leave Act. Attorney Jaensch stressed the laws in these areas are ever changing and that employers need to ensure their staff dealing with these topics are not only cognizant of current laws and procedures but also remain vigilant.

Attorney Jaensch cited some specific examples she has encountered such as an employer sending an employee who recently had a seizure to a fitness for duty prior to their return to work. She advised the law does not allow for a mandatory fitness for but rather a simple doctor's note will suffice for their return to duty. The employer may request the affected employee give their doctor a notice containing the requirements of the employee's position.

Another example cited by Attorney Jaensch dealt with leave termination if an employee is unable to return to work. She advised that employers need to have an open dialogue with the affected employee to determine if they require additional time. Employers do not have to accommodate an affected employee note from doctor indicating an unknown return date to work. The employer has to be able to reasonably articulate the need to have the position filled and why it cannot remain vacant.

- ❖ The Council and HR representatives present for Attorney Jaensch's presentation were very appreciative of the information provided and thanked Attorney Jaensch for her time.

4. **PASS Update** – Director Waters

- ❖ Director Waters advised the PASS Active Report reflects new applications are steady and the overall budget remains within protocol.
- ❖ Director Waters advised Investigator Lightfoot's training is proceeding well and he is quick to learn the operational procedures of PASS.

5. **Committee Reports** –

- ❖ **Legislative Committee** – Chief Haworth

- Chief Haworth discussed some of the legislation affecting law enforcement. He reiterated that open carry legislation appears dead in committee. He advised that law enforcement body camera legislation has passed both houses. Chief Haworth said the legislation does not mandate law enforcement to use body cameras but does place restrictions/guidance for law enforcement agencies that use the cameras. He advised the medical marijuana legislation passed both houses and is on the Governor's desk for signature approval into law. Chief Haworth said legislation regarding a requirement for second hand dealers (Pawn Shops) to incorporate a digital photo of the items being bought has passed both houses.
- Sheriff Gualtieri spoke with regard to the forfeiture legislation that is on the Governor's desk for approval into law. His understanding is that the Governor will sign the legislative act. Sheriff Gualtieri stated the new legislation has a lot of nuances to it and law enforcement will have to communicate with the court system to work out the flow.

Sheriff Gualtieri went over some of the main features of the legislation that included a seizure may occur, absent defined exceptions, only if the owner of the property is arrested for a criminal offense. He advised law enforcement has to prove a nexus between the seizure and the offense. Sheriff Gualtieri stated there is no conviction requirement for seizures and some of the exceptions include if the owner of the property is a fugitive or deceased, the owner cannot identify or denies ownership, the owner of the property agrees to become a confidential informant or the seized property is a monetary instrument.

Sheriff Gualtieri advised agencies, absent an agreement with the affected entity, will be responsible for any damage or storage fees associated with the seizure. Additionally, a probable cause hearing is required within 10 business days of the seizure. The probable cause hearing can be performed in advance of the item(s) to be seized. This involves the court system making specific arrangements either with designated hearings or assigning hearings to the "on-duty" judge.

Sheriff Gualtieri stated he has only scratched the surface of the forfeiture act. He stated agencies would be well advised to have their legal departments thoroughly review the act as it also contains filing fees as well as attorney fees should a claimant prevail in an adversarial preliminary hearing where the court makes a determination of no probable cause. Additionally, the legislative act set

forth requirements for agencies to institute written policies, procedures, and training to ensure compliance with all the provisions of the forfeiture act.

- The Council discussed the scheduled Pinellas County Board of County Commission Meeting (04/05/16) to discuss the aspect of civil citations. The Council was in agreement that the adult diversion program outlined during previous PPSC meetings was the best course of action to ensure equality of justice within the county. Concerns generated to do otherwise would usher problematic questions such as the structure, location and maintenance of one or more databases. As stipulated by Sheriff Gualtieri the infrastructure is already in place within the county's probation program (administered by the PCSO) and all that would be necessitated is a written/signed agreement.
- ❖ Training – SPC Dean Brian Frank
N/A
- ❖ Standards Review Committee – Chief Rob Vincent
Chief Vincent reminded everyone that the SRC is set to review three applicant appeals today. Additionally, the SRC will conduct final review of the PASS Administrative Interview Questionnaire set for full Council review and consideration at the April 13, 2016 meeting.
- ❖ Finance – Chief Bill Sohl
N/A
- ❖ Pinellas County Safety & Emergency Services –Director Michael Cooksey
N/A
- ❖ Pinellas County Justice and Coordination – Operations Manager Deborah Beery
N/A

6. **New Business**

- ❖ Chief Holloway brought attention to Administrative Order NO.2015-006 PI-CIR “Procedure for Return of Firearms” that was recently signed and ordered by Chief Judge Anthony Rondolino. He advised that the order outlines the release of firearms taken into custody during the course of Baker Act or Domestic Violence investigations. Chief Holloway thanked Chief Judge Rondolino for his review and consideration given toward this procedural order.

Chief Judge Rondolino advised Chief Holloway and Mayor Kriseman petitioned the court seeking some relief within the return of firearms seized by law enforcement during Baker Act and Domestic Violence investigations. The administrative order places a court order requirement for the return of seized firearms. The order provides for the timely and uniform disposition of petitions for the return of firearms within Pinellas County (see attached).

7. **Old Business**

- ❖ Chief Stelljes advised that through consultation with the State Attorney's Office (SAO), Pinellas County Clerk's Office and the Pinellas County Sheriff's Office (PCSO) he believes a solution has been achieved to reconcile the arrest statistics between the

Pinellas Schools Police and the Division of Juvenile Justice (DJJ). Chief Stelljes explained the apparent discrepancy did in fact stem from the DJJ receiving all juvenile referrals counting both non-arrests and arrests the same when in fact many non-arrests were never filed by the SAO. Therefore, procedures were put into place where the DJJ will no longer receive non-arrest referrals at the onset. Instead, the DJJ will only receive and record those non-arrest referrals after the SAO has reviewed and decided to file formal charges.

- ❖ Chief Holloway spoke in reference to his task force participation of the American Bar Association's analysis of the use of body worn cameras by law enforcement. He advised the a "white paper" is due out in August 2016 and the task force is set to meet again on March 17, 2016 at the St. Petersburg College Allstate Center.

8. Roundtable

9. Adjourn

Chief Stelljes and Chief Sohl

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