

October 8, 2020

Michael Esposito, City Manager  
City of Crescent City  
3 Summit Street  
Crescent City, Florida 32112

Re: Crescent City Police Department

Dear Manager Esposito,

In response to our conversation and at your request, please accept this quick summary and suggestions concerning the Crescent City Police Department (CCPD). As a current Reserve Officer, one hired after former Chief Carman was appointed, I have had the opportunity to see many of the actions and operations of the department on a first hand basis. I have also been able to provide guidance to the former chief and staff on a myriad of topics ranging from grants, staffing, policies, criminal cases, counseling and development, and training. This is not an exhaustive list.

I base the following on my more than 30 years of progressive law enforcement training and experience. In part, this includes a bachelor's degree in Criminology, a master's degree in Public Administration, graduating from the FBI National Academy, as well as thousands of hours of hands-on development related to law enforcement, media, administration, labor, human resources, and emergency management training. I do possess current Florida Criminal Justice Standards & Training Commission certifications in law enforcement, corrections, and instruction (general and high liability topics – firearms and defensive tactics). I have also been a Florida law enforcement accreditation manager, and a crime prevention practitioner. Finally, I am a retired chief of police from the High Springs Police Department and have served in many leadership roles at the Alachua County and Flagler County Sheriff's Offices. I am a current member of the Florida Police Chiefs Association and the Police Executive Research Forum. My resume is attached for your review.

My observations are divided into the following areas. They are in no particular order:

**A. Training:**

After arriving at the CCPD in 2019, I was directed by the former chief of police to make recommendations for a training program for the agency. Part of this process consisted of evaluating current staff on what training they had received, as well use of force trends, and the individual needs and competency levels of employees. The most startling discovery was the fact officers had not received any recent training in many high liability areas that include taser, defensive tactics, baton, pepper spray, CPR/First Aid, and driving. It was also discovered for the most part firearms training was on a two year cycle, rather than on an industry standard of one year. For most in the agency, as it relates to these high liability

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areas, they have said they had not received any form of training since they graduated the police academy. Furthermore, there was no evidence the officers were not using existing policies to guide them through training and tactical situations.

Following discussions with the Chief and sergeant, on December 9, 2019, I sent then Chief Carman and Sgt. Ward an email outlining my suggestions for a proposed 2020 training calendar. This was a "back to basic's" theme and consisted of hands on training in the beginning of the year and a review of the new General Orders (GO's) at the end of the year (See Attachment #1.) On December 20, after speaking with the Putnam County Sheriff's Office (PCSO) and inquiring about the CCPD joining their annual in-service training program, one where our officers would train with their deputies, the same deputies we respond to calls on a daily basis in and around Crescent City, I sent another email to the chief (see Attachment #2).

Unfortunately, each of my aforementioned requests and ones made almost monthly thereafter to conduct this training were never implemented. I was informed on many occasions that due to staffing issues and eventually the COVID pandemic, training could not be conducted.

It is important to note many in the department attend driving training offered by the Daytona Beach Police Department, as well as a week-long Crisis Intervention training class held in Palatka in October 2019. According to the conversations before his departure, the chief said there were a few officers who have attended off-site training. This was selected and on an individual basis. In September, firearms training was offered to all but one officer. In addition to the one officer, all officers issued a shotgun still need to qualify. The same is true for all off-duty and back-up weapons. I am still waiting on a date and time to administer this training to the last officer, as well as shotgun qualifications for all in the agency that have an issued shotgun.

As far as high liability topics are concerned, it is my recommendation to mandate each officer attend the following training as soon as possible and then again on an annual basis. This is needed to establish proficiency and create a foundation for future training efforts:

- Firearms – To include issued handgun, rifle and shotgun and any off-duty or back-up weapon, as applicable. This needs to be done on an annual basis, not every two years. To make this point clear, when Sgt. Ward attempted to qualify recently with his issued rifle, it was off by more than a foot at 50 yards. This of course was unacceptable and was immediately rectified at training. Had annual training been held, this would have been identified sooner.
- Taser – There is a state mandate to have Taser training completed every year. This has also been an industry standard prior to the creation of the statute. As listed above, Taser training for some has been several years overdue. Although there is now an effort underway to have the officers complete Taser training, we must ensure each of the

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officers who are issued a Taser complete training every year (see below). Furthermore, with the CCPD recently acquiring new Tasers with grant funding, it is my recommendation not to issue the Tasers until each of the officers undergoes familiarization training on the new models, ones that are fundamentally different than the ones they currently have issued. I also recommend that any officer who has not completing the current Taser training surrender their Taser until they can complete the training. This issue was brought up to the chief and sergeant on more than one occasion. CCPD Policy 20 and its provisions for training and annual qualification were not followed.

- **Defensive Tactics** – This is another area where training has not been existent. It is my recommendation that each of the officers receive basic training now that was outlined in attachment #1, and again on a yearly basis. The use of force is a serious matter and with the issues that have been occurring in our country for the past few years, this is a must to keep current with trends and techniques, as well as demonstrate proficiency and being in compliance with policies and industry standards.
- **Less Lethal Weapons** – I have found no evidence that the CCPD has trained on less lethal weapons. This includes the Taser as listed above, but also includes issued pepper spray and baton. Like above, it is my recommendation that each of the officers receive basic training that was outlined in attachment #1 now and again on a yearly basis. I also recommend that no less lethal weapon be issued to an employee without them first being thoroughly educated on current policies, as well as receiving adequate training and passing all components of said training before an issuance is made.
- **CPR/First Aid** – After learning this had not been taught for most since their academy days, as well as the fact that we had AED's in our inventory, the PCSO agreed to conduct free training for each of these topics. Again, see attachment #1. This never came to fruition. It is my recommendation that each of the officers receive this training now and again in two years.
- **Driving** – This training was conducted with the assistance of the Daytona Beach Police Department. This is training that can be offered yearly in various forms. However, it should also be taught as a hands-on option every two years, if not every year.
- **Use of Force Review** – Each year, especially during the aforementioned high liability areas, there is a requirement to review applicable GO's. We have developed a review compliance sheet that can be used to show compliance. This is in current policy, but not followed.
- **Bloodborne Pathogens** – This is an area that we were going to cover in the review of the GO's. It is an excellent idea and my recommendation that this review be competed on an annual basis. There are excellent training videos that are available that can assist with the delivery of this training. The current policy is in need of immediate updating.
- **General Training topics** – As needed, and depending on staff or sworn employee status, training topics should be identified and as funding becomes available, staff should be

sent to attend these classes. Many of these classes are free of charge. I cite the recent CIT training officers received in 2019.

Training is an integral component of the agency and when it is not offered on a routine basis and not codified in updated policies and procedures (GO's), the agency is creating a situation where the risk of injury to all is increased, as well as the ability for litigation from inside and outside of the agency. It is also clear that before my arrival at the CCPD, the agency was not adhering to many of the requirements listed in policy, especially policy 20 (Use of Force).

#### **B. Policy and Procedures:**

In reviewing the existing policies, it was clear that they were deficient in many areas and needed to be updated. At the direction of the former Chief of Police, draft forms and GO's were developed using the current CCPD policies, as well as policies from the PCSO, Flagler County, Palatka Police Department and other accredited law enforcement agencies. Four books were created and submitted to the chief for his review. Before the COVID pandemic struck, the Chief, Sgt Ward and I sat down together and completely reviewed Book one page by page and made necessary adjustments to fit the needs of the CCPD. It was my understanding from the Chief that these GO's would be signed and implemented. This never happened.

I did create three other books and was waiting for the assistance from staff, to include city personnel to review like we did for book one to ensure they reflect the actions and abilities of the agency. After many requests, this never transpired. Associated forms were also created that are referenced at the beginning of each GO, where applicable. I stand ready to assist on this effort.

The GO's and forms, as well as a spreadsheet showing where the old policies were captured and mentioned in a new GO is attached for your review. It is my opinion that the process to finish this review will take at least two weeks, if not longer. Many of the GO's need to be then reviewed by you and the city attorney and in some cases, outside agencies to ensure they are consistent with current actions and trends. This to include the state attorney's office to ensure compliance with their requirements and applicable case law. All applicable draft GO's have received SAO review within the past few years.

Without new GO's being implemented, the agency is bound by the provisions contained in the current policies. The vast majority of the policies (approximately 40) have revision dates between 2002 and 2005. With the constant changing times and liability driven high liability areas, many of these policies are no longer capable of supporting a modern law enforcement agency.

I have seen very little evidence of compliance with these policies other than mentioned when new officers are onboarded. There was even confusion over which policies were in place at the time I arrived as there were the “old” policies and ones developed by former Chief Johnson that never received city approval. This is supported by a comment made to me by the sergeant at the recent firearms training. While we were talking about the development of new policies, I asked him if he was following the current “old” policies. He told me he does not follow the old policies. This is of great concern and needs further review to determine what practices are being used in the agency.

**C. Department Operations:**

Overall, based on my observations and discussions with staff, to include the chief, the agency does a good job with the resources they have to provide law enforcement services to the community. Other than Tasers, a strong computer network and equipment, for the most part the equipment they have is excellent. However, as mentioned by the former chief and evidenced through my observations, staffing and funding for operations continues to be limited and at times not sufficient to support proper law enforcement functions. I am glad to hear that the commission approved another officer. However, this is still not enough to support the needs of this department. Without the continued support and assistance of the PCSO providing staffing when it is not available, to investigating calls for service that the officers cannot investigate (there are a host of call that are not investigated by the CCPD), the service to our citizens would have been greatly reduced.

From a command and control perspective, we have the chief of police and the sergeant. When they are not working, officers have no direct supervisory contact or direction other than calling the chief or sergeant by phone. There is no agreement that I know of or have seen in practice with the PCSO to provide these functions when the command staff of the CCPD are not available. This creates liability and the opportunity for policies not to be followed – especially during high liability/profile calls for service. Until a new chief is seated, I would recommend that you ask the PCSO to agree to levels of oversight when a supervisor is not working. This is especially needed for arrest report review and during high liability/profile situations (pursuits, use of force, tactical situations, etc.). Having a PCSO employee at the jail attesting to the arrest document is not sufficient as they are not responsible for supervisory actions.

Since there are so many areas of the CCPD that need to be evaluated and improved, it is my suggestion to have an outside entity come in and evaluate the overall operations of the CCPD. I feel this is going to be the opportunity you and the commission will have to receive an unbiased evaluation. I would suggest this evaluation include recommendations for change. If this is a direction you and the commission would like to take, I would suggest contacting the Florida Police Chiefs Association.

**D. Suggestions:**

In addition to the aforementioned opinions and suggestions, based on the current status and staffing of the department, it is my humble opinion, one based on the totality of the circumstances, as well as my training, experience and actual observations, that there is not an employee in the fulltime ranks of the CCPD that has the leadership skills, credibility or ability to take control of the department and provide the direction and leadership the CCPD requires. Although highly dedicated, in touch with the community and performing at a level consistent with his training and experience, I further find that the current leadership at the rank of sergeant is not qualified to lead the department as a first level supervisor without supervisory overview.

I have seen on several occasions actions being taken by the sergeant that are not consistent with CCPD policies, best practices and state statutes. Some of these actions were of great concern and in one case not supported by Florida law. Specifically, the sergeant was adamant that he and officers could make arrests outside of the city limits and bring the arrestee back to the city for processing. According to the sergeant, this has been a long time practice. Although he did not agree with our well established opinion against this practice, then chief had to obtain an opinion from the state attorney's office, one that later supported our position where our officers could not continue the previous practices of arresting outside the city. I do not know if the sergeant and staff were directed by the chief to stop this practice unless used as part of a fresh pursuit, through mutual aid with the PCSO, or as a private citizen making a citizen's arrest, one not under the color of CCPD authority.

There have also been a few other issues that have raised concern for me. I will list two recent issues. The first was during firearms training where the sergeant was observed pointing a weapon in an unsafe direction at other officers. As the range officer conducting the training, he was immediately admonished. However, after a short period of time, the sergeant again was witnessed by me pointing his weapon in an unsafe direction. Again, he was admonished. I did brief then Chief Carman on this matter. The last issue occurred earlier today after I was asked to come to the CCPD to sign off on recent Taser training, as was listed above. While meeting with the administrative assistant, I was presented a training roster and certificates demonstrating two hours of Taser training proficiency for each officer. I was asked to sign the documents as the training officer. When I did not see training times on the training roster, I asked if the sergeant and the rest of the officers actually completed two hours of training. I was told they did not. I did ask the sergeant this and learned that they watched a PowerPoint presentation provide by the PCSO that did not last two hours. Since there was no way of determining the actual time spent on the presentation, and since Florida State Statute 943.1717 requires one hour of training, staff will have to undergo new training, one presented by me or the PCSO. At this time, I am waiting for the sergeant to make a decision on when this will occur.

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Based on the totality of the circumstances, it is my recommendation to you and the commission to ask the Palatka Police Department or the Putnam County Sheriff's Office to immediately assign a ranking officer, at least at the rank of lieutenant, to lead the department until as such time as a new chief is seated, or other actions occur with the CCPD.

Furthermore, I would strongly recommend sending the sergeant to line supervision, as well as other leadership and management training classes. I do believe he needs mentoring and oversight from a seasoned leader. Unfortunately, this has been lacking in the agency for years. I must state in all fairness that I do feel with the necessary training, leadership and maturity, I do see his abilities improving and becoming a greater asset to the department.

In closing, this department is dedicated to the safety and wellbeing of the citizens it serves. However, there is a real need to evaluate the department and learn what is needed to bring them up to a level to efficiently and professionally operate. Training, providing adequate staffing and funding the operations of the department, and implementing new policies (GO's) are of paramount importance. Underneath what is seen by most is the certain fact the city and the CCPD is a call away from major liability incident. I do not want to see this happen and hope this letter assists you and the commission in taking the next steps to professionalize the department and in doing so, protecting our officers and the community they serve.

I have only touched on a few of the major issues and due to the COVID pandemic, have not spent much time recently in the department. However, I have been in direct contact with the former chief, sergeant and administrative assistant.

If you need anything, I stand ready to assist you and the CCPD.

Sincerely,



James Troiano,  
CCPD Reserve Officer

Attachments: Resume  
Training Email 1 and 2  
Draft General Orders  
Draft Forms  
Current Policy  
Excel Spreadsheet