



Agenda

Citizens Police Advisory Committee

Tuesday, March 16, 2021

5:30 PM

Hagler Mason Conference Room, 2nd Floor

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. **21-00281** Minutes for Meeting March 2, 2021

Attachments: Meeting Minutes March 2, 2021

DISCUSSION ITEMS

2. **21-00275** REPORT ON INITIATIVES AND UPDATES FROM PPD
· UPDATE ON GRAND JURY RECOMMENDATIONS AND COMPLIANCE

3. **21-00280** RECRUITMENT

Attachments: ECSO Cadet Salary
 G.O. A-4 Cadet Program
 G.O. J-5 Employment and Selection
 Pensacola Careers

4. **21-00276** CPAC REPORT AND RECOMMENDATIONS
· DRAFT ANNUAL REPORT DUE TO CITY MARCH 31
· FINALIZE REPORT CATEGORIES
· DISCUSSION AND RECOMMENDATION OF PROPOSED CPAC RECOMMENDATIONS

5. **21-00278** HANDCUFFING SUSPECTS WITH GUNSHOT WOUNDS

Attachments: Lawyer Calls for Pasadena Police to Stop Handcuffing Wounded Suspects – Pa

6. **21-00279** DECRIMINALIZING MARIJUANA

Attachments: Decriminalization is Sweeping Florida — One City at a Time
 Virginia Lawmakers Move to Ban Police Searches Based on the Smell of Mariju

OPEN FORUM**BOARD MEMBER COMMENTS/ITEMS FOR NEXT AGENDA**

The next meeting is scheduled for March 30, 2021.

ADJOURNMENT

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1629 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00281

Citizens Police Advisory Committee

3/16/2021

SUBJECT:

Minutes for Meeting March 2, 2021



City of Pensacola

Citizens Police Advisory Committee

Meeting Minutes

Tuesday, March 2, 2021

5:30 PM

Hagler Mason Conference Room, 2nd Floor

Members of the public may NOT attend the meeting in person, as City Hall is closed to the public until further notice. Members of the public may participate via live stream and/or phone cityofpensacola.com/428/Live-Meeting-Video.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 7 - Member Drew Buchanan, Member Gina Castro, Member Haley Morrisette, Member Kyle Kopytchak, Member Lara McKnight, Member Shawn Dockery, and Member Vin Durant

Absent 5 - Member Jonathan Green, Member Autumn Blackledge, Member Kendra Carr-Pineda, Member Kyle Cole, and Member Scott Remington

APPROVAL OF MINUTES

1. [21-00230](#) Minutes for Meeting Feb. 2, 2021

Indexes:

Attachments: [Meeting Minutes Feb. 2, 2021](#)

A motion to approve was made by Committee Member Kopytchak and seconded by Committee Member Durant.

The motion carried by the following vote:

Yes: 7 Drew Buchanan, Gina Castro, Vin Durant, Kyle Kopytchak, Lara McKnight, Haley Morrisette, Shawn Dockery

No: 0

2. [21-00231](#) Minutes for Meeting Feb. 16, 2021

Indexes:

Attachments: [Meeting Minutes Feb. 16, 2021](#)

A motion to approve was made by Committee Member Kopytchak and seconded by Committee Member Durant.

The motion carried by the following vote:

Yes: 7 Drew Buchanan, Gina Castro, Vin Durant, Kyle Kopytchak, Lara McKnight, Haley Morrisette, Shawn Dockery

No: 0

PRESENTATION ITEMS

Speaker was unable to attend. Presentation postponed by Committee Member Durant.

3. [21-00224](#) Presentation by Paula Shell, President and CEO of Big Brothers Big Sisters of Northwest Florida

DISCUSSION ITEMS

4. [21-00225](#) REPORT ON INITIATIVES AND UPDATES FROM PPD
- STATUS OF ONGOING CPAC REQUESTS

Interim Chief Christman gave PPD update and answered questions from the committee.

5. [21-00226](#) CPAC TOWN HALLS
- REVIEW OF CPAC TOWN HALL PUBLIC INPUT

Committee members discussed feedback they received at the town halls.

Discussion ensued amongst committee members concerning school resource officers.

Interim Chief Christman spoke and answered questions on behalf of PPD concerning school resource officers.

6. [21-00227](#) CPAC COMMUNITY SURVEY
- REVIEW OF PPD INPUT AND AMENDED QUESTIONS

Discussion ensued amongst committee members concerning the community survey draft.

Packets with feedback from Pensacola citizen Richard G. Hahner were presented to the committee members.

The city offered the HAAS Center as a resource to edit and disperse the survey. Discussion ensued amongst committee members and staff. Chairman Buchanan requested that the committee think about the offer and discuss at the next meeting.

7. [21-00228](#) REVIEW OF RECOMMENDATIONS FROM 2019 GRAND JURY REPORT
- REVIEW OF POLICY, PROCEDURE AND TRAINING RECOMMENDATIONS PROVIDED TO THE CITY OF PENSACOLA AND THE PENSACOLA POLICE DEPARTMENT

Indexes:

Attachments: [2019 City of Pensacola Final Grand Jury Report](#)

Chairman Buchanan opened discussion on the Grand Jury's recommendation line item number four.

Discussion ensued amongst committee members concerning the report.

Committee members requested feedback from PPD on the status of the Grand Jury recommendations.

ACTION ITEMS

8. [21-00229](#) CPAC REPORT AND RECOMMENDATIONS
- RECOMMENDATION ON PROPOSED REPORT CATEGORIES
 1. GENERAL RECOMMENDATIONS, POLICY AND TRAINING
 2. MENTAL AND BEHAVIORAL HEALTH
 3. COMMUNITY POLICING AND RACIAL EQUITY
 4. USE OF FORCE AND GENERAL ORDERS
 - DISCUSSION AND RECOMMENDATION OF PROPOSED CPAC RECOMMENDATIONS

Chairman Buchanan expressed that the next meeting should be used to finalize their report, and there isn't a need to vote on the recommendations at tonight's meeting.

OPEN FORUM

None.

BOARD MEMBER COMMENTS/ITEMS FOR NEXT AGENDA

Discussion ensued amongst committee members concerning the FOP.

The next meeting is scheduled for March 16, 2021.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 7:30 P.M.

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00275

Citizens Police Advisory Committee

3/16/2021

FOR DISCUSSION

TO: Citizens Police Advisory Committee Members

FROM: Chairman Buchanan

DATE: 3/16/2021

SUBJECT:

REPORT ON INITIATIVES AND UPDATES FROM PPD

- UPDATE ON GRAND JURY RECOMMENDATIONS AND COMPLIANCE

BACKGROUND:

Text

STAFF CONTACT:

Lawrence Powell, Neighborhoods Administrator



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00280

Citizens Police Advisory Committee

3/16/2021

FOR DISCUSSION

TO: Citizens Police Advisory Committee Members

FROM: Committee Member Dockery

DATE: 3/16/2021

SUBJECT:

RECRUITMENT

BACKGROUND:

Text

STAFF CONTACT:

Lawrence Powell, Neighborhoods Administrator

**ESCAMBIA COUNTY SHERIFF'S OFFICE**

Human Resources
1700 W. Leonard St.
Pensacola, FL 32501

<http://www.escambiaso.com>

INVITES APPLICATIONS FOR THE POSITION OF:
Cadet I/II

An Equal Opportunity Employer

SALARY

\$16.60 Hourly \$1,328.00 Biweekly \$2,877.33 Monthly \$34,528.00 Annually

OPENING DATE: 05/14/20

CLOSING DATE: Continuous

THE POSITION

STARTING SALARY:

Cadet I: \$16.60/hour (\$34,528 annual)

Cadet II: \$18.67/hour (\$38,834 annual)

Under general supervision, the purpose of this position is to prepare a non-certified applicant (Cadet) for a career in law enforcement. While in the Cadet I/Cadet II status, the applicant participates and engages in formal and in-house training. The work activities are specifically designed and chosen to train and indoctrinate the individual in the field of law enforcement.

The selected applicant agrees to perform work as assigned by the Operations OIC or their designee.

The overall premise of the Cadet I or Cadet II position is to advance to be selected to attend the Law Enforcement Academy, when eligible (at the ECSO's discretion, minimum age of 21).

Applicants at this stage would advance to the level of Cadet III at a starting salary of \$19.68/hour (\$40,934 annual). If selected to attend the Law Enforcement Academy, applicant will be employed full-time while attending the law enforcement academy. The Escambia County Sheriff's Office will provide the needed training, equipment, and the state exam fee with the condition that the applicant sign a 2-year contract to work as a full-time Deputy Sheriff for the Escambia County Sheriff's Office, beginning once the applicant passes the State Officer Certification Exam.

EXAMPLES OF DUTIES

- Enforce parking regulations and violations, including issuing parking citations. (Cadets must complete a training course for Parking Enforcement Specialist as approved by the Criminal Justice Standards and Training Commission).
- Assist the Investigations Division with collection and processing of evidence.
- Provide clerical assistance, as needed, within the Sheriff's Office.
- Provide manpower assistance to the Sheriff's Office Training Unit.
- Attend regular training classes in law enforcement.
- Attend various functions representing the Escambia County Sheriff's Office
- Complete other duties as assigned.



PENSACOLA POLICE DEPARTMENT

Pensacola, Florida



Tommi Lyter, Chief of Police

General Order		Subject: Police Cadets		Number: A-4	
Issue Date: 06/26/2012	Effective Date: 06/26/2012	Review Date: 04/2023	Review Responsibility: Chief Deputy Chief CID Captain UPD Captain ADMIN Captain OSD Captain General Counsel Accred. Manager		
Distribution Code: All Members		Rescinds:		Revised: 04/2020	
Related Documents: Recruitment Plan					
CFA 18.12					

PURPOSE

The purpose of this general order is to establish guidelines for the department's cadets.

POLICY

It is the policy of the Pensacola Police Department that members will follow guidelines concerning police cadets.

DISCUSSION

Police Cadets were created to recruit a well-selected and diverse group of properly trained employees interested in becoming sworn officers with the Pensacola Police Department. The primary intent is to expose cadets to all facets of police service and combine that exposure with training to better prepare them for a position as a full-time police officer. Police cadets shall perform non-enforcement duties for the department. {CFA 18.12 A.}

It is anticipated that members hired as cadets will be promoted to police officer within a five-year period. During that period, uncertified cadets will complete the Basic Recruit Training Course for Law Enforcement and pass the state certification test for law enforcement. If a cadet fails to complete the Basic Recruit Training Course or fails to pass the state certification test within the five years, he/she could face termination.

PROCEDURE

A-4.1 ADMINISTRATIVE AND FUNCTIONAL CONTROL

1. Administrative control
 - a. The Training/Accreditation Section shall:
 - i. maintain primary administrative control of cadets;
 - ii. provide and conduct continual training plus periodic refresher and remedial training to cadets as necessary; and
 - iii. provide, as conditions permit, rotation of unit assignments among cadets.
 - b. Administrative control shall include completion of all evaluations and performance appraisals.
2. Functional control
 - a. Functional control of all cadets rests with the supervisor of the cadets or section to which a cadet is assigned.
 - b. Immediate control of a cadet may be delegated to a sworn member assigned to give instructions and review work methods and productivity.
 - c. Functional control will include training and supervision of a cadet as he/she performs assigned duties.
 - d. Functional control may include training or duties in other areas of law enforcement to be determined by the supervisor of a cadet's assignment.

A-4.2 CADET TRAINING

1. Each cadet should attend/undergo training concerning:
 - a. department orientation;
 - b. basic law enforcement techniques;
 - c. human diversity;
 - d. telephone techniques;
 - e. customer relations;
 - f. police radio techniques;
 - g. report writing;
 - h. reading comprehension;
 - i. business vocabulary;
 - j. physical fitness;
 - k. crime scene processing techniques;
 - l. basic criminal investigation;
 - m. traffic direction and safety; {CFA 18.12 B}
 - n. ethics; and
 - o. other training as determined on an individual basis.
2. After a period of assessment by the Training/Accreditation Section in minimum standards to be promoted to police officer, the cadet may be encouraged to attend the next available law enforcement training academy, keeping in mind that a cadet must be 21 years old before promotion to police officer.

A-4.3 DUTIES AND RESPONSIBILITIES

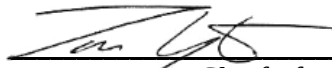
1. Daily non-enforcement service tasks.
2. Prevention of crime through observation and communication with law enforcement officers.
3. Knowledge and conformity to department rules and regulations, general orders, etc.
4. Understanding and carrying out oral and written instructions.
5. Preparing clear and comprehensive reports on performed tasks.
6. Attending daily line-up and training classes as required.
7. Performing duties unique to each assignment.
8. Conduct traffic direction and control when directed {CFA 18.12 A.}

A-4.4 UNIT ASSIGNMENTS

1. Will include exposure to or familiarization with all facets of police work.
2. Will be during daylight hours with the exception of special events or as directed by the Chief of Police or his/her designee.
3. Assignments will be prioritized as to need within the department as determined by the Chief of Police or his/her designee.

A-4.5 EFFECTIVE DATE AND DISTRIBUTION

This order is effective June 26, 2012.



Tommi Lyter, Chief of Police

Revised 10/01/2013
Revised 08/2016
Revised 08/2017
Revised 04/2020



PENSACOLA POLICE DEPARTMENT

Pensacola, Florida



Tommi Lyter, Chief of Police

General Order		Subject: Employment and Selection		Number: J - 5	
Issue Date: 10/03/11	Effective Date: 10/03/11		Review Date: 09/2020		Review Responsibility: Chief ADMIN Captain OSD Captain UPD Captain CID Captain General Counsel Accreditation Manager
Distribution Code: All Members		Rescinds:		Revised: 09/2017	
Related Documents: §943.13, Florida Statutes §943.133, Florida Statutes Fla. Adm. Code, Chapter 11B-27.0011					
CFA 9.01, 9.02M 9.04, 9.05M, 10.03M, 10.15					

PURPOSE

The purpose of this policy is to describe the selection process for new department members and to ensure that all members, interns and volunteers of the Pensacola Police Department have had the necessary background check prior to employment, internship or volunteering with the Pensacola Police Department. All aspects of the selection process shall be job related and nondiscriminatory. {CFA 9.01}

POLICY

Pensacola Police Department personnel will utilize a fair and impartial selection process and will complete thorough background investigations on all full-time, part-time and temporary personnel, and on all volunteers or work-study interns.

DISCUSSION

Because of the sensitivity and confidentiality of many police functions and resulting records, it is necessary that all new department personnel have a thorough background check after participating in a fair and impartial selection process. This process will conform to the City of Pensacola Human Resources Policy.

PROCEDURE

J-5.1 SWORN PERSONNEL {CFA 9.01}

1. Sworn personnel applicants will be investigated in accordance with Florida Police Standards policies concerning police officer certification.
2. All Pensacola Police Department sworn personnel and cadet applicants will be given a polygraph and a psychological examination.
3. All elements of the selection process shall be administered, scored and interpreted in a uniform manner. {CFA 9.01 B}
4. Initial process for selection by City of Pensacola Human Resources:
 - a. Applicants shall submit a City of Pensacola application, which includes questions about the applicant's education, work experience and military background.
 - b. The application will be reviewed by Human Resources to confirm the applicant meets minimum qualifications and that the application includes any required supporting documentation to verify high school graduation or equivalent, law enforcement certification(s), valid driver's license, U.S. citizenship, and minimum age of 21.
 - c. The application will include an affidavit regarding tobacco use.
 - d. Applicants who have the minimum qualifications then will begin the process of taking two exams as set forth by the City of Pensacola Human Resources. Applicants must pass an exam before moving on to take the next exam.
 - i. Applicants will take a physical abilities test administered by the department, monitored by Human Resources and graded as a pass or fail. {CFA 9.04}
 - ii. Next, applicants will sit for a structured interview (oral examination) by a three-person panel of department members. The interview will count for the remaining percentage of the applicant's total score. Whenever practical, the panel will consist of at least one minority member and one female member. {CFA 9.01}
 - e. Applicants who pass both exams will be included on an eligibility list based on their overall scores. The overall score includes exam scores and any veteran preference points as required by Florida Statutes. The score will be rounded to the nearest whole number.
 - f. Upon request of the Chief of Police, the eligibility list will be certified by the City of Pensacola's Human Resources Department. The certified list will stand for one year from the date of certification. The certification may be extended at the request of the Chief of Police for a period not to exceed one year.
 - g. The process used by the City of Pensacola is subject to change.
5. Background check by the department.
 - a. Upon receipt of the certified eligibility list from Human Resources, Professional Standards and the Personnel Officer will begin their

- background checks of candidates as directed by the Chief of Police or his/her designee.
- b. Personnel who conduct background checks will be trained in collecting required information. {CFA 10.15}
 - c. Candidates subjected to background checks will be provided the department's background data questionnaire and polygraph questionnaire to complete.
 - d. Professional Standards or the Personnel Officer will conduct the following background checks:
 - i. Prior employment.
 - ii. NCIC and FCIC records (criminal history and outstanding warrants).
 - iii. Driving record.
 - iv. Military record.
 - v. Local law enforcement record and local warrants.
 - vi. Controlled substances use.
 - vii. Interview of references and/or a neighborhood canvass.
 - e. The Personnel Officer will conduct the following:
 - i. Completion of the background data questionnaire by the candidate.
 - ii. Completion of the polygraph questionnaire and administration of the polygraph test to the candidate.
 - f. The department will set minimum standards for the background checks and polygraph exam.
 - g. After successful completion of background checks, a candidate will complete a clinical analysis questionnaire, which will be administered by the Personnel Officer and scored by a contract licensed psychologist or other mental health professional. {CFA 9.02M A.}
 - h. All information obtained during the background investigation will be secured in locked file cabinets kept in the offices of Professional Standards and/or Training/Accreditation. {CFA 9.02M B, C.}
 - i. Examination records and medical records are not public record as listed in §119.071(1)(a), Florida Statutes.
 - ii. Employment and application records shall be maintained by the department according to General Records Schedule - GS1-SL #24, Employment Application and Selection Records.
6. The Chief of Police will have discretion of choosing any candidate among the highest ranked five candidates remaining on the certified list who have successfully completed application and background investigation processes.
7. Cadets and persons employed by the department may participate in a truncated process as determined by the Chief of Police in consultation with Human Resources.

J-5.2 SWORN AND NON-SWORN PERSONNEL

All employees, after completing required Human Resources and Employee Services procedures, will have the following:

1. A background investigation to include a check regarding outstanding warrants, fingerprints, local police records, criminal history, developed references, listed references, work history, credit history, and education background. {CFA 9.05M}
2. A polygraph examination with emphasis on drug sale and use, theft from employers, arrest history, and intentional falsification on an application in an attempt to conceal information.
3. A drug screen analysis.

J-5.3 INTERNS AND VOLUNTEERS

All interns and volunteers will have a background investigation to include a check on outstanding warrants, local police records, criminal history, developed references, listed references, work history, and education background.

J-5.4 PART-TIME AND EXTRA PERSONNEL SERVICES

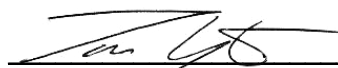
All part-time and extra personnel services (EPS) applicants will be handled in accordance with sworn and non-sworn personnel (J-5.2).

J-5.5 ORIENTATION {CFA 10.03M}

1. Once a new member is hired, Training/Accreditation personnel will arrange for new member orientation to include:
 - a. the agency's role, purpose, goals, general orders, rules and regulations;
 - b. working conditions and regulations;
 - c. rights and responsibilities of the member;
 - d. the accreditation process.
2. For sworn members, certain vaccinations, as presented in J-15, are required to be offered within the first 10 days of employment.

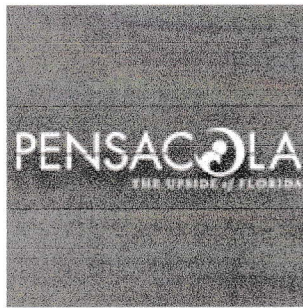
J-5.6 EFFECTIVE DATE AND DISTRIBUTION

This order is effective October 3, 2011



Tommi Lyter, Chief of Police

Revised 06/06/2013
Revised 10/01/2013
Revised 04/2016
Revised 09/2017



Careers

GENERAL INFORMATION:

Current job opportunities with the Pensacola Police Department can be viewed on the [City of Pensacola's jobs page](#). Below is information about the beginning salaries for certain Pensacola Police employees and employee benefits.

BEGINNING SALARIES

Job Title	Annual Salary	Biweekly Salary	Hourly Salary
Police Officer	\$37,502.40	\$1,442.40	\$18.03
Police Cadet	\$26,436.80	\$1,016.80	\$12.71
Public Safety Telecommunicator I	\$25,313.60	\$973.60	\$12.17
Public Safety Telecommunicator II	\$27,851.20	\$1,040.00	\$13.39
Crime Scene Analyst I (Sworn)	\$27,040.00	\$1,040.00	\$13.00
Crime Scene Analyst II	\$37,502.40	\$1,442.40	\$18.03
Crime Scene Analyst I (Non-sworn)	\$26,436.80	\$1,016.80	\$12.71

GENERAL INFORMATION ABOUT POLICE OFFICER & POLICE CADET

Job Title	Minimum Annual Salary	Maximum Annual Salary
Police Officer	\$37,502.40	\$61,859.20
Police Cadet	\$26,436.80	\$33,196.80



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00276

Citizens Police Advisory Committee

3/16/2021

FOR DISCUSSION

TO: Citizens Police Advisory Committee Members

FROM: Chairman Buchanan

DATE: 3/16/2021

SUBJECT:

CPAC REPORT AND RECOMMENDATIONS

- DRAFT ANNUAL REPORT DUE TO CITY MARCH 31
- FINALIZE REPORT CATEGORIES
- DISCUSSION AND RECOMMENDATION OF PROPOSED CPAC RECOMMENDATIONS

BACKGROUND:

Text

STAFF CONTACT:

Lawrence Powell, Neighborhoods Administrator



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00278

Citizens Police Advisory Committee

3/16/2021

FOR DISCUSSION

TO: Citizens Police Advisory Committee Members

FROM: Committee Member Castro

DATE: 3/16/2021

SUBJECT:

HANDCUFFING SUSPECTS WITH GUNSHOT WOUNDS

BACKGROUND:

Text

STAFF CONTACT:

Lawrence Powell, Neighborhoods Administrator

NEWS • News

Lawyer calls for Pasadena police to stop handcuffing wounded suspects

Some experts disagree, saying cuffing wounded suspects is standard procedure among law enforcement agencies nationwide. They argue it's needed to keep officers and the public safe in dangerous or volatile situations, including police shootings.



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Make shift memorial during a protest around the death of Anthony McClain, who was killed by the Pasadena Police Department at La Pintoresca Park in Pasadena on Thursday, August 20, 2020. (Photo by Keith Birmingham, Pasadena Star-News/SCNG)

By **BRADLEY BERMONT** | bbermont@scng.com | Pasadena Star-News

PUBLISHED: October 1, 2020 at 2:29 p.m. | UPDATED: October 2, 2020 at 1:55 p.m.

A lawyer representing the family of a man who was shot and killed in August by a Pasadena police officer is demanding the city to end the practice of handcuffing wounded suspects before rendering aid, calling it inhumane and shameful.

Some experts disagree, saying cuffing wounded suspects is standard procedure among law enforcement agencies nationwide. They argue it's needed to keep officers and the public safe in dangerous or volatile situations, including police shootings.

Once the situation is defused, and the crime scene is secured, then officers can start providing medical attention, they say.

Lawyer Caree Harper, representing the family of Anthony McClain who was shot by Pasadena police in August, pushed back in an interview, questioning officers' training if they're still fearful when a suspect has already surrendered after being shot and multiple officers are on the scene.

"Maybe you might be too scared to be a cop if the only way you feel secure" is when a scene is completely devoid of any pedestrians or onlookers, she said.

"Maybe some of these cops should go to the Valley or get out of northwest Pasadena."

Harper's expert, a retired 27-year veteran of the Los Angeles County Sheriff's Department, also disagreed with his law enforcement colleagues, arguing that medical needs take precedence over some other concerns.

"When you have someone shot, you gotta take care of them," Former Los Angeles

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“Once he was wounded, I literally had to walk up and pull a gun out of his hand — disarm him — because he didn’t want to drop it or throw it,” Clark said. “It’s what we do. It’s our duty. ... And then we gather evidence after that, but the medical need comes first. It’s the way we treat our human beings.”

Clark has been an expert witness for Harper in previous cases against the Pasadena Police Department, and might be a witness in the McClain case, Harper said in an interview.

“This practice needs to be stopped and (Pasadena) Chief John Perez knows it needs to be stopped, and I shouldn’t have to keep suing each and every individual member of the Pasadena Police Department to get it through their thick skulls that you can’t keep shooting people, then leave them suffering and bleeding out on the street,” Harper said.

Experts say...

The McClain scene plays out very similarly to the standard operating procedure for law enforcement agencies nationwide, as described by retired Chief Frank Straub, director of the Center of the Mass Violence Response Studies at the National Police Foundation.

“Part of the problem is that we watch way too many movies,” Straub said in an interview.

Hollywood would have you believe that a person gets shot “and that’s the end of it,” he said. “They don’t typically fight back in any way, but in real life that’s no necessarily true. There have been numerous incidents where an individual has been shot — sometimes several times — and has gone on to cause significant injury to police officers or other bystanders.”

Straub recalled a 1986 gun battle between bank robbers and FBI agents in Miami, which left two agents dead. They were both shot and killed after the suspects were hit, sustaining “injuries that would have caused their death,” he said.

“But those individuals, or at least one of them, continued to fight through mortal wounds,” he said, explaining that this 1986 incident is specifically used in training programs.

“The fact that someone is mortally wounded doesn’t mean that they’re deceased. It doesn’t mean that they lack the capacity to continue to cause death and injury”

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“That’s the sequence and it’s an important one,” Straub said.

He explained that officers are taught and trained to only use deadly force in response to threats to themselves or the community. If they’ve just shot a suspect, that means the situation is dangerous and it needs to be resolved before aid can be provided.

That includes finding a gun that may be somewhere on the scene — it could be underneath the suspect, for all the officers know, Straub said.

Keeping a wounded suspect handcuffed until the scene is secured and the threat has been nullified, Straub argued, helps keep officers and the public safe, as well as the suspect. If they’re not secured and decide to start fighting with officers again, they’re more likely to get hurt even more, he said.

The McClain shooting

Harper is representing several family members of McClain, a Pasadena man who was shot twice while fleeing a traffic stop on Aug. 15. One bullet grazed his shoulder, while the other struck his lower-right back before exiting through his chest, a county autopsy report shows.

Police officers say he had a gun, though one couldn’t be clearly seen in officers’ body camera footage.

The Pasadena Police Department recovered a gun on the scene, which they say McClain discarded as he was running, though Harper and other lawyers representing members of the McClain camp say the gun didn’t belong to him.

After McClain was shot, he continued running before laying down in a patch of grass next to the sidewalk. Body camera footage shows one responding officer approach a wounded McClain who is laying on his stomach with his hands spread out, wearing a white t-shirt marred by spreading bloodstains.

“I’m passing out,” McClain says in the video. “Come on, I can’t breathe.”

The officer puts on his powder blue medical gloves, bending down to cuff McClain.

“Put your hands behind your back, I’m going to help you. I need your arm,” the officer says. “Stop reaching.”

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With the help of another officer — [later revealed to be Officer Edwin Dumaguindin](#), the man who actually shot McClain — they manage to get McClain's arms behind his back and cuff his wrists.

Harper believes the effort caused McClain to lose more blood than if they had left him uncuffed.

While they're cuffing him, a crowd that gathered earlier starts to get more and more irate: "What's he about to do?" one man yells, as the officer repeatedly tells the crowd he's trying to save McClain, applying pressure to the one of the wounds, urging McClain, "Stay with me, boss. Stay with me."

It takes another officer's help before they can apply pressure to both of McClain's ultimately fatal wounds; McClain is drifting in and out of consciousness, the officers say. It was a few moments later before he was loaded into an ambulance, still cuffed.

The police's defense

During the McClain incident, Pasadena police spokesman Lt. Bill Grisafe said in an email, "officers believed Mr. McClain still possessed a firearm and were concerned he may be able to access the firearm while they provided medical treatment.

"In addition, as was seen on the officer's body worn camera video — which has been released in its entirety — the involved officers were quickly surrounded by others who posed an officer safety concern," Grisafe said.

When deciding to use any restraints, Grisafe said officers need to balance safety concerns with situational factors, using handcuffs "in a thoughtful manner with respect to human life."

If they're afraid someone might flee or hurt someone, officers have to use cuffs, he said.

Sgt. Dennis Breckner, a spokesman for the Orange County Sheriff's Department, made similar points as Grisafe and Straub.

If someone had been shot by a civilian, that victim wouldn't be handcuffed, Breckner said in an interview. "But if officers just shot somebody, in a situation

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All agreed that officers had an obligation to provide medical attention as soon as possible.

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Bradley Bermont | Reporter

Bradley Bermont is a reporter in Los Angeles. He covers city hall and school board meetings for Pasadena, Pico Rivera and El Monte. His work has been featured on KPCC, KQED, the Daily Beast and others. He graduated with a Master's of Science in Journalism from the University of Southern California. Prior to journalism, he worked in nonprofit copywriting and fundraising.

bbermont@scng.com

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00279

Citizens Police Advisory Committee

3/16/2021

FOR DISCUSSION

TO: Citizens Police Advisory Committee Members

FROM: Committee Member Castro

DATE: 3/16/2021

SUBJECT:

DECRIMINALIZING MARIJUANA

BACKGROUND:

Text

STAFF CONTACT:

Lawrence Powell, Neighborhoods Administrator



Decriminalization is sweeping Florida — one city at a time

Last updated: January 16, 2020

Since 2015, numerous cities and counties in Florida have taken marijuana policy into their own hands, by enacting ordinances to reduce the chances that marijuana consumers will be arrested and incarcerated. These ordinances — which give officers the discretion to impose civil penalties for most minor marijuana offenses — can prevent marijuana consumers from the trauma of arrest and the damage caused by the “scarlet letter” of a criminal record. They also allow for law enforcement resources to be reallocated toward crimes that endanger public safety.

Unfortunately, despite broad support among voters, state law has remained unchanged, leaving those caught in possession at risk of arrest and jail. Under Florida state law, marijuana possession is a misdemeanor punishable by up to one year in jail and a \$1,000 fine. [Please take a moment to urge your representative and senator to support a statewide law to remove criminal penalties for possession.](#)

- In June 2015, **Miami-Dade County** commissioners, by a 10-3 vote, passed [an ordinance](#) that gives police the option not to arrest those caught with less than 20 grams of marijuana. Instead, an officer might write a civil citation resulting in a \$100 fine. The ordinance went into effect July 10, 2015, making Miami-Dade the first county to explore decriminalization.
- In July 2015, **Miami Beach** unanimously passed a [similar ordinance](#), also applying to less than 20 grams of marijuana and also resulting in a discretionary \$100 civil fine.
- Then, in early August 2015, Broward County’s **Hallandale Beach** followed suit: Effective September 19, 2015, possession of 20 grams or less can result in only a \$100 fine.
- Later that August, **Key West** commissioners voted unanimously to give police the option of issuing \$100 civil fines in lieu of making arrests for 20 grams or less of marijuana.
- **West Palm Beach** joined the trend in September 2015 when it approved a measure that gives police the option of \$100 fines instead of arrests for 20 grams or less.
- In early November 2015, **Broward County** unanimously approved an ordinance giving police the option to issue \$100 civil fines rather than arrests for those caught with 20 grams or less. Fines would be \$250 for second offenses and \$500 for third offenses. An ordinance much like Broward County’s was passed by its city of **Wilton Manors**, near Ft. Lauderdale, in late November.
- In December 2015, the **Palm Beach County** commissioners voted 4-1 to give police the option to issue a \$100 civil fine for possession of up to 20 grams of marijuana.
- In March 2016, **Volusia County**, which includes Daytona Beach, became the first county in central Florida to join the trend when the council unanimously passed an ordinance giving officers discretion to issue \$100 tickets, again for possession of up to 20 grams.
- Also in March 2016, **Tampa** passed an ordinance giving police the option of issuing a civil fine,

rather than arresting, those caught with 20 grams or less of marijuana. The amount would increase each time, from \$75 to \$150 to \$300 to a maximum of \$450 for the fourth offense.

- In May 2016, **Orlando** passed [an ordinance](#) that gives police the discretion to issue \$100 tickets for a first offense of possession of up to 20 grams and \$200 tickets for a second offense; those who cannot afford the fines can do community service or take a drug class instead. The ordinance will take effect on October 1.
- In June 2016, **Osceola County** passed an ordinance that allows police to issue a \$100 ticket for marijuana possession, subject to their discretion. Cities will be able to opt out of the ordinance.
- **Alachua County** [passed a similar ordinance](#) in August 2016, which allows a civil citation to be given in lieu of arrest. The fines are \$100 for a first violation, \$150 for a second citation, and \$200 for a third one. Those who cannot afford to pay may elect to do community service. People may receive a maximum of three such citations, and on the third citation must be screened to determine if they need drug treatment.
- In September 2016, **Port Ritchie** passed an ordinance that allows a \$155 civil citation to be issued in lieu of arrest for possession of up to 20 grams of marijuana, as long as the person is not engaged in any criminal activity at the time.
- In December 2019, the **Sarasota** City Commission voted 5-0 to decriminalize possession of less than 20 grams of cannabis. Possession of 20 grams or less now carries a \$100 fine or the completion of 10 hours of community service.

VACCINE ROLLOUT / Overhaul to state vaccine registration system in the works, health dept. says

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VIRGINIA MERCURY

Virginia lawmakers move to ban police searches based on the smell of marijuana



The proposal was first raised earlier this year when the General Assembly passed decriminalization legislation that reduced the penalty for possession of an ounce or less of marijuana from a Class 1 misdemeanor to a \$25 civil infraction. (Source: KSLA)

By **Ned Oliver** | August 28, 2020 at 7:03 AM EDT - Updated August 28 at 9:39 AM

Todd Zinicola is pretty sure it's the only time someone has smoked a Black & Mild cigar in a Virginia courtroom at the request of a judge.

He was defending a client in Fairfax who police searched after saying they smelled marijuana during a routine traffic stop. But Zinicola argued in court that it was impossible for the state trooper to smell the drug, wrapped in two layers of plastic wrap in the back seat, over the overpowering scent of the Black & Mild the man was smoking at the time.

The judge, Jane Marum Roush, who would go on to serve a brief term on the Supreme Court of Virginia, was unfamiliar with the product's smell and invited him to light it, according to a transcript of the hearing.

"This is highly unorthodox but — here, just go ahead," she said.

Zinicola wafted the smoke toward Roush, who ultimately agreed — the trooper couldn't have actually smelled marijuana over the cigar's overpowering aroma.

Advocates pushing to rein in such warrantless searches say the 2007 case illustrates just how difficult it can be for defendants to challenge police officers' assertion that they smelled marijuana, a claim that's impossible to document and frequently used as probable cause to rifle through a suspect's vehicle or pockets.

"The problem is judges only see the cases where someone got charged with possession of marijuana or some other offense," Zinicola said. "But a countless number of times, people get searched, are kept on the side of the road for hours, and police find nothing and they leave. It's traumatizing."

Many Virginia lawmakers and advocates in the criminal justice system appear to agree and legislation is advancing in both chambers of the General Assembly to prohibit smell-based searches for the drug.

The proposal was first raised earlier this year when the General Assembly passed decriminalization legislation that reduced the penalty for possession of an ounce or less of marijuana from a Class 1 misdemeanor to a \$25 civil infraction.

Sen. Joe Morrissey, D-Richmond, championed the measure during the regular legislative session that began in January and it won approval in the Senate but was rejected in the House, where Majority Leader Charniele Herring, D-Alexandria, said she was unwilling to tie the hands of police officers until the drug was fully legalized.

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