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CHIEFS OFFICE/FPPD

Saint Lucie County Branch Unit 5129 Post Office Box 3103 Fort Pierce, FL 34948-3103

October 25, 2019

Chief Hobley-Burney
Fort Pierce Police Department
City of Fort Pierce

Ref: Traffic Stop October 18, 2018 by Fort Pierce Police Officer Nicholas Anton on R. Duke Nelson

Dear Chief Hobley-Burney:

We are writing to request that you order the investigation reopened involving Fort Pierce Police Officer Nicholas Anton's traffic stop on Roosevelt Duke Nelson. This incident took place on October 18, 2018. The enclosed Internal Affairs investigation conducted by the Fort Pierce Police Department ignored the facts as revealed in Officer Anton's Body Camera Video, his sworn statement and the written evidence. Officer Anton testified under oath that he intended to issue a warning and not a traffic citation. The video footage, written evidence and his sworn testimony contradict his contrived alibi and proves that he was untruthful in his sworn statement to the Internal Affairs Investigators.

Commissioner Perona claims that you spoke with him regarding this stop approximately two weeks after it occurred. However, the evidence supports the fact both you and the Fort Pierce Police Department had no knowledge of the traffic stop or the voided citations until months later. Officer Anton and Commissioner Perona could have resolved any outstanding question by freely providing their cell phone records. Further, Fort Pierce Police Department Internal Affairs could have requested these records to clear any doubt about what happened. Neither did.

Officer Anton's untruthfulness- Officer Anton is a Traffic Officer and by his own admission a prolific citation writer. Officer Anton should be aware of and proficient in the Fort Pierce Police Department's Traffic Policies and Procedures especially the section pertaining to traffic citations since he is a Certified Traffic Officer. Officer Anton executed an official document to void the properly issued tickets (so very well argued by Officer Anton on his Body worn camera) despite there being no mechanism in the Fort Pierce Police Department policy to void said citations. The only way to void an **ISSUED** citation is to get the Bureau Commander's permission by way of the

chain of command and the only properly stated reason is, the citation could not be defended in a court of law. Officer Anton freely admits he changed his mind on issuing the citation because of Mr. Nelson's demeanor and by reviewing his traffic history (which has been ruled improper by past case law). This does not fit into the Fort Pierce Police Department's allowable reason to void a citation. Furthermore, he was supposed to write a "Detailed Reason" so the bureau commander could make an informed decision based on the facts. Officer Anton's explanation for voiding the ticket was "*Written in Error. Citation was supposed to be a warning Citations*". This is in clear contrast to all the testimony and vast amount of audio and video evidence contradicting Officer Anton's written "reason". Officer Anton falsified an official document and the evidence provided in the body camera video is abundantly clear. He never intended to issue a warning and the citations were not issued in error. Officer Anton intended to write 2 citations and never intended to write warning citations as he claims and testified under penalty of perjury. We have over a half hour of arguing by Officer Anton to prove this point, which some would consider rude and unprofessional by the sheer length of the debate on the side of the road as two officers were tied up lecturing an elderly African American citizen. He turned off his body worn camera to make a call and the video last shows him picking up his personal cell phone. He claims to have called Sgt. Lindstadt, but Sgt. Lindstadt doesn't remember the call. Why would he need to hide his call to his supervisor? Wouldn't he want to preserve on the recording Sgt. Lindstadt giving him permission to void the issued citations? Officer Anton knew or should have known as a Traffic Officer the department's policy and he knew or should have known, that if he willfully violated this policy, he could be disciplined. Further, he intentionally turned off his body worn camera and claimed to have placed a call to his supervisor and then never turned his camera back on. Officer Anton took such a risk to hide a conversation that if recorded would protect him.

Incomplete investigation by FPPD - This issue is not about two tickets or that a supervisor did not sign off on a ticket void form. This incident is about a potentially dishonest officer taking direction from his Uncle, Tom Perona, a Fort Pierce City Commissioner. If a City Commissioner can void tickets by a phone call, it stands to reason they could direct a ticket to be issued too. Therefore, this whole investigation centers around the phone call or text message placed or sent by Officer Anton and did that phone call or other form of communication occur between Commissioner Perona and his nephew Officer Anton. This was the essential question asked in the original complaint sent to and filed with Fort Pierce City Manager, Nick Mimms. The investigation simply takes the word of two people, Officer Anton and Commissioner Tom Perona who would lose their livelihood and face criminal charges, if true. The Fort Pierce Police Department ignores the fact that the body worn video was turned off, which is so damning. Mr. Nelson stated he believed Anton called his Uncle Tom Perona. Mr. Nelson never changed or recanted his story, he simply added he had no proof or firsthand knowledge that a call had occurred, as he relied on Officer Anton telling him the phone call had taken place. Mr. Nelson still believes the call took place and Nelson's statement that Anton stated he made it has never wavered. So, the question at hand is Officer Anton innocent or is it allowing a corrupt, lying rude Officer to get away with being everything the public despise about Police Officers. So why wouldn't the Fort Pierce Police Department want to discover the truth? The I. A. investigator could have simply asked to see Officer's Anton's phone and text records. Officer Anton's call while on duty became a public record governed by F.S. 119. by his own admission. However, even if this was disputed, the Fort Pierce Police Department Internal Affairs had a right to the phone records. Fort Pierce Police Department Internal Affairs policy specifically list officers personal cell phones as subject to a search by their Department, however the record reflects this was not done. The I.A. Officer with one request could have contacted Officer's Anton's phone

carrier and obtained phone and text records, as well as, Commissioner Perona's personal cell phone. If, Sgt. Lindstadt or Commissioner Perona had City issued phones then it would be even easier. If you wanted to prove or disprove the most important part of this investigation the I. A. Officer could have done so. However, the Fort Pierce Police Department just took their word for it.

Unanswered Questions- The other unanswered questions were how did Duke Nelson know Officer Anton was Commissioner Tom Perona's Nephew if Officer Anton did not tell him? And if Officer Anton told him, what was the context of the statement if not the way Mr. Duke Nelson reported it. Officer Anton's body camera footage of the entire stop reveals that Office Anton never disclosed to Mr. Nelson that he was related to Commissioner Perona.

Commissioner Tom Perona said the Chief of Police told him about the traffic stop? If the "void form" never went up the chain of command, then how does the Chief know to tell Commissioner Perona? Even if the Chief saw Roosevelt Nelson's name, how would she ever even know it was R. Duke Nelson? How and why was the Chief involved and why did she approach Commissioner Perona about the traffic stop as Commissioner Perona testified under oath?

Where are the original tickets that are supposed to be attached to the void citation form? The record only shows later printed copies of the citations. Where are the copies that were ISSUED to Duke Nelson and then retrieved from him by Officer Anton? These are considered public records and destruction of these records is a criminal offence. Please ask Officer Anton where the original tickets are and what happened to them.

In Officer Anton's Body Worn Camera video it clearly shows an in-car camera installed in Officer Anton's patrol vehicle, was that video viewed and is there audio inside the car potentially capturing the infamous call? Officer Anton tells Mr. Nelson both cameras were recording, and he will be using the footage in Court as evidence to prove Mr. Nelson was speeding if Mr. Nelson chooses to go to Court to dispute the traffic citation.

Officer Anton violated Fort Pierce Police Department policy in turning off his Body Worn Camera. It is common knowledge that violating this policy will result in discipline, but he did it anyway and it is reasonable to assume he did it for a reason and without a valid explanation. His conduct should be viewed in its' worst light and he cannot use the policy infraction as an excuse or alibi to hide his improper conduct. Officer Anton, as a Certified Traffic Officer should be keenly aware of the Policy governing his unit. He violated the same policy in December 2018 (see other FPPD I. A. findings) and yet he still only got another warning.

Mr. Nelson did not know Officer Anton. Anton issued tickets, made a call, turned off Body Worn Camera (violation), retrieved ticket (violation), Mr. Nelson testified he was told by Officer Anton he talked to his uncle, Commissioner Tom Perona. Officer Anton testified he called his sergeant, Sergeant Langstadt who does not recall the phone call or conversation. Fort Pierce Police Department made no attempt to pull in-car video or attempt in any way to verify Mr. Nelson's or Officer Anton's statement about a phone call.

You have two opposing statements. Mr. Nelson has no reason other than to tell the truth in his story while Officer Anton and Commissioner Perona's reputation, career and possible freedom are on the line. Officer Anton violated Fort Pierce Police Department policy and willfully

hindered the recording of the incident and while the camera was turned off committed another Policy violation. The overwhelming volume of evidence supports Citizen/Mr. Nelson version of events rather than Fort Pierce Police Officer Anton in this case.

We are requesting:

1. The Fort Pierce Police Department reopen the investigation and obtain the detail phone records from Sergeant Lindstadt and Officer Anton as well as the detailed records from Commissioner Tom Perona.
2. Determine why Chief Hobley-Burney contacted Commissioner Perona to discuss the traffic stop as described in Commissioner Perona's sworn testimony.
3. Determine why from the time the complaint was filed with City Manager, Nick Mimms it took four months before the issue was forwarded to the Fort Pierce Police to begin the investigation.
4. Ascertain what role and or involvement Commissioner Perona played in the investigation including any discussions or communication he had with the Chief, Deputy Chiefs, the City Manager or those task with investigating this matter.

In conclusion, one would think Officer Anton and Commissioner Perona would be glad to provide the pertinent phone records to clear their name and bring closure to this issue. Further, the Fort Pierce Police Department would endeavor to garner all the facts and evidence to determine what actually transpired during the traffic stop involving Officer Anton and Mr. R. Duke Nelson. It has already been proven that Officer Anton violated policy by turning off his body worn camera and then committing the violation of retrieving / voiding Mr. Duke Nelson's properly issued citations. This was a deliberate act with corrupt intent to cover up a violation of public trust. This is a serious violation, not a simple mistake. It reflects poor judgement and a lack of integrity on Officer Anton's part and the same can be said for Commissioner Perona's actions.

Therefore, we request that you reopen the case. That you demand the production of the cell phone records from Officer Anton and Commissioner Perona and follow the evidence to its conclusion. The Fort Pierce Police Department must take the appropriate action, regardless of who the individuals are, what office they hold or in what capacity they might serve to maintain the integrity of the Police Department.

Very Truly,



George Collins, President
Saint Lucie County NAACP

Attachments

FORT PIERCE POLICE DEPARTMENT
Internal Affairs

COMPLAINANT: CHIEF OF POLICE
INVESTIGATION: NICHOLAS ANTON

I.A. Case #: 2019-0005
DATE: 4/4/2019

INVESTIGATIVE REPORT

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Complaint

On April 04, 2019, The Office of Professional Standards was assigned this case. It was brought to the attention of Chief Diane Hopley-Burney from complainant, Mr. Rick Reed that Officer Nicholas Anton allegedly altered a traffic citation for Mr. Roosevelt Nelson in the month of October 2018.

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Interviews

Anton

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On May 16, 2019, I Detective Gary Eason interviewed Officer Nicholas Anton in the Office of Professional standards. Officer Anton said he was working on October 18, 2018 conducting traffic enforcement in the area of Seaway Drive and Indian River Drive. Officer Anton said he does not recall the person that he stopped that day. I provided Officer Anton with a copy the citations to refresh his memory. Officer Anton reviewed the citations and stated he does recall the traffic stop.

Officer Anton said he recalls making contact with Mr. Roosevelt Nelson for speeding and not wearing his seatbelt at the time of the traffic stop. Officer Anton said he spoke with Mr. Nelson for a while during the traffic stop explaining the reason for the stop. During the conversation Mr. Nelson informed Officer Anton that he was the former City of Fort Pierce Commissioner. Officer Anton said he walked back to his marked patrol vehicle and made a phone call to Sergeant Tad Lindstadt. Officer Anton said he informed Sergeant Lindstadt that he just issued former Commissioner Duke Nelson two citations. Officer Anton said Sergeant Lindstadt informed him to do whatever you need to do. Officer Anton said he informed Sergeant Lindstadt that he was going to void out both traffic citations.

Officer Anton said he walked back to Mr. Nelson's vehicle and informed him that he would void both traffic citations. Officer Anton said he received both citations he issued to Mr. Nelson back from him on scene. I asked Officer Anton during this time was his body camera activated. Officer Anton stated "no my body camera was not activated". Officer Anton stated he turned off his body camera to make a phone call to Sergeant Lindstadt. Officer Anton said after talking to Sergeant Lindstadt he forgot to reactivate his camera.

Officer Anton said he did complete two traffic citation dismissal forms for traffic citation numbers A9LWQBE and A9LWQAE. I provided a copy of both dismissal forms to Officer Anton. I asked Officer Anton what was the reason for dismissing both citations. Officer Anton said both should have been warning citations. I asked Officer Anton is there any reason why he did don't have a supervisor sign and approve both dismissal forms. Officer Anton said he does

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not recall what happened that day why they were not both approved. I asked Officer Anton in his five years employed with the Fort Pierce Police Department has he ever submitted a traffic citation dismissal form without having supervisors' approval.

Officer Anton said "yes". Officer Anton said quite a few times. I asked Officer Anton if he was aware of the City of Fort Pierce Police Department policy and procedure 61.110 Enforcement Policies & Traffic Law Violations. Officer Anton said "yes he is aware of the policy". I asked Officer Anton after reviewing the policy does he believe he violated the policy. Officer Anton said "yes" In reference to not having a supervisor sign and approving the dismissal of both citations.

Nelson

On May 22, 2019, I Detective Gary Eason interviewed Mr. Roosevelt Nelson in the Office of Professional Standards. I asked Mr. Nelson if he recalls being pulled over for speeding in the month of October. Mr. Nelson said "yes it was for speeding". I asked Mr. Nelson if the traffic stop took place in the area of Seaway Drive he said "that's correct". Mr. Nelson said he was aware of the speed limit at the time when he was driving in the area. Mr. Nelson said he recalls Officer Anton walking back to his car then returned and asked him was he Duke Nelson. Mr. Nelson said "yes". Officer Anton asked for the two traffic citations back because he spoke to his uncle. Mr. Nelson said he gave the two citations back to Officer Anton one for speeding and the other for not wearing his seat belt. Mr. Nelson said Officer Anton called somebody. Mr. Nelson believes Officer Anton called his uncle during the traffic stop. Mr. Nelson said he is confident Officer Anton called a commissioner by the name of Perona.

Lindstadt

On May 30, 2019 I Detective Gary Eason interviewed Sergeant Tad Lindstadt in the Office of Professional Standards. Sergeant Lindstadt said he was working on October 18, 2018 as the road Sergeant for the 1600 hours to 0330 hours road shift. Sergeant Lindstadt said he does not recall Officer Anton calling him in reference to Mr. Nelson. Sergeant Lindstadt said Officer Anton

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does call him frequently while on duty so he might have called him that day. This concludes Sergeant Lindstadt involvement in this investigation.

Perona

COPY

On July 17, 2019 I Detective Gary Eason interviewed Mr. Thomas Perona in his office located at Fort Pierce City hall. Mr. Perona said he was not aware that Officer Anton conducted a traffic stop in the month of October 2018. Mr. Perona said he was informed two to three weeks after the traffic stop by Chief Diane Hogley-Burney and Officer Anton. Mr. Perona said the day of the traffic stop he did not receive a call from Officer Anton in reference to pulling over Mr. Nelson.

Mr. Perona said two to three weeks later Officer Anton spoke with him about the traffic stop. Officer Anton told Mr. Perona he pulled over a former city commissioner and he thought it was interesting to share with him. Mr. Perona said he has not received any calls from Mr. Nelson. Mr. Perona said he has not spoken to Mr. Nelson for the past five years. Mr. Perona stated the statement made by Mr. Nelson in reference to Officer Anton calling him during the traffic stop is not true.

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Body Camera Review

On October 10, 2018 Officer at the beginning of Officer Nicholas Anton body worn camera video. Officer Anton approaches the silver in color vehicle. Officer Anton informs the driver later identified as Mr. Roosevelt Nelson by his Florida driver's licenses to close his driver side door. Officer Anton informs Mr. Nelson he was pulled over for a traffic stop and he needs to remain inside of his vehicle. Officer Anton asked Mr. Nelson for his driver's licenses, insurance and vehicle registration.

Officer Anton walks back to his marked Fort Pierce Police Department patrol vehicle. Officer Anton types information on his department issued in car laptop. It appears two traffic citations were completed on the laptop. Officer Anton walks back to Mr. Nelson's vehicle and issues him the two traffic citations. Officer Anton explains to Mr. Nelson his options to pay for the citations or that he may request a court date in reference to the citations. Mr. Nelson asked Officer Anton if he knew who he was. Officer Anton stated "no". Mr. Nelson informed Officer Anton he is currently a retired Fort Pierce City commissioner. Officer Anton informs him he was traveling 53 miles per hour in a 35 miles per hour zone. Officer Anton holds a conversation with Mr. Nelson for a few minutes then proceeds to walk back to his marked patrol vehicle. Officer Anton sits inside of his vehicle and turns his body camera off. End of Video.

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Investigator's Report

On April 04, 2019, I Detective Gary Eason I was assigned this case to conduct an internal investigation. A complaint was brought to the attention of Chief Diane Hobley- Burney from Mr. Rick Reed that Officer Nicholas Anton allegedly altered a traffic citation for Mr. Roosevelt Nelson in the month of October 2018.

I reviewed Officer Anton's body worn camera dated October 01, 2018, Officer Anton conducted a traffic stop on the 400 block of Seaway Drive on a silver in color vehicle bearing Florida tag YR63G. The vehicle was driven by Mr. Roosevelt Nelson at the time of the traffic stop. Mr. Nelson was identified by his Florida Driver's licenses. Officer Anton informs Mr. Nelson he was speeding and that was the reason for the traffic stop. Officer Anton walks back to his vehicle and issues Mr. Nelson two traffic citations one for speeding and the other for no seat belt. Officer Anton walks back to Mr. Nelson's vehicle and hands him the two citations. Officer Anton informs Mr. Nelson his options on paying the citation. Mr. Nelson states to Officer Anton "Do you know who I am" Officer Anton stated "No" Mr. Nelson stated "I am the former commissioner of Fort Pierce". Officer Anton holds a conversation with Mr. Nelson for a few minutes then proceeds to walk back to his marked patrol vehicle. Officer Anton sits inside of his vehicle and turns off his body camera.

I checked the Fort Pierce Police Department records department. I was provided a copy of the traffic citation dismissal forms completed by Officer Anton on October 01, 2018. Both forms were completed in reference to citation A9LWQAE and A9LWQBE. Officer Anton stated on the forms the citations were written in error and should have been written warnings. I noticed at the bottom of the forms there is no approving supervisor signature on both forms. Based upon the City of Fort Pierce Police Department policy and procedure 61.110 Enforcement Policies and Traffic Law violations a citation should not be dismissed for personal favor and should be approved by bureau commander.

On May 16, 2019 I interviewed Officer Nicholas Anton in the Office of Professional Standards. Officer Anton said he did pull over Mr. Nelson for speeding. Officer Anton said he issued Mr.

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Nelson two traffic citations one for speeding and one for not wearing his seat belt. Officer Anton said he does recall asking Mr. Nelson for the traffic citations back after he made a phone call to Sergeant Lindstadt. Officer Anton said while sitting in his marked patrol vehicle he turned his body camera off to talk with his Sergeant. Officer Anton said he forgot to turn the camera back on after the conversation. During my interview with Officer Anton he did admit to violating the Enforcement policy for not having a supervisor sign the dismissal form.

On May 22, 2019, I Detective Eason interviewed Mr. Roosevelt Nelson. I asked Mr. Nelson if he recalls receiving two traffic citations in the month of October 2018. Mr. Nelson said "yes but I gave the citations back to the Officer that same day". I asked Mr. Nelson did the Officer explain why he was asking for the citations back. Mr. Nelson said he offered to pay the two citations but Officer Anton insisted on having them back. I asked Mr. Nelson does he recall telling Officer Anton that he is a retired City of Fort Pierce Commissioner. Mr. Nelson said "no". Based on Officer Anton body worn camera. Mr. Nelson does state he is the former Commissioner of Fort Pierce. Officer Anton holds conversation with Mr. Nelson for a few minutes then walks back to his marked patrol vehicle. Officer Anton sits inside of his vehicle and turns off his body camera. I asked Mr. Nelson if he was aware of any phone calls made to any current commissioners to dismiss his citations. Mr. Nelson said he believes Officer Anton called his uncle Commissioner Thomas Perona. Mr. Nelson then changed his statement by saying he was not sure who Officer Anton called.

On May 30, 2019 I Detective Eason interviewed Sergeant Tad Lindstadt in the Office of Professional Standards. Sergeant Lindstadt said he does not recall Officer Anton calling him in reference to Mr. Nelson. Sergeant Lindstadt.

On July 17, 2019 I Detective Gary Eason interviewed Mr. Thomas Perona in his office located at Fort Pierce City Hall. Mr. Perona said he was not aware that Officer Anton conducted a traffic stop on October 18, 2018. Mr. Perona said he was informed two to three weeks after the traffic stop by Chief Diane Hobleby-Burney and Officer Anton. Mr. Perona said the day of the traffic stop he did not receive a call from Officer Anton in reference to pulling over Mr. Nelson.

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Based upon my investigation Officer Nicholas Anton did admit to not having a bureau commander sign off on both traffic citation dismissal forms. Officer Anton also stated he forgot to turn his body camera back on after his conversation with Sergeant Tad Lindstadt.

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Possible Violations

Code of Conduct 26.100

Failure to Follow Policy (D) (2)

2. Department personnel shall be attentive to job duties and shall adhere to standard operating procedures, policies, and directives, and shall faithfully execute all the duties and responsibilities of their assigned position.

Enforcement Policies & Traffic Law Violations 61.110

Voiding and Dismissing uniform traffic citations (H) (2)

2. After a uniform parking ticket or citation has been issued, it must be dismissed in the following manner:

A. Uniform traffic citations and parking tickets shall only be dismissed due to an error in issuing or other circumstances that would prohibit successful prosecution and not for personal favor.

B. Every request for dismissal must be approved by a bureau commander after inquiry into the circumstances requiring the dismissal.

C. All request for dismissal shall be submitted and documented on a Traffic Citation Dismissal Form which shall be processed in the following manner.

1. When any supervisor or employee believes that a citation or parking ticket has been issued in error or there are other circumstances that prohibit successful prosecution of the violation, the Traffic Citation Dismissal Form will be completed and a copy of the citation or ticket attached.

2. The Traffic Citation Dismissal Form must provide the specific reason for the dismissal request.

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3. The form will be routed through the employee's chain of command to the bureau commander for determination, which will be made as provided herein. All request forms, whether approved or denied, will be forwarded to the records division for action and retention.

Disciplinary Action Notice

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Employee: Nicholas Anton **Position:** Police Officer **Employee #:** 8681
Bureau: C.P.B. **Division:** District 1 **Shift:** Rotation A

Type of Discipline: *Warning*
Date of Violation: *October 1, 2018*

Statement of Violation:

On October 1, 2018, you conducted a traffic stop and issued two citations to Roosevelt Nelson. During the traffic stop you turned off your body worn camera to make a phone call to your supervisor and failed to turn the body worn camera back on. You also subsequently voided the citations without a supervisor's approval. Internal Affairs Case S2019-0005 was initiated in reference to your actions.

The investigation determined that you violated the policies below.

Enforcement Policies & Traffic Law Violations - 61.110:

H. Voiding/Dismissing Uniform Traffic Citations and Parking Tickets [CFA 34.08 e]:

1. An employee issuing a uniform traffic citation or parking ticket may void the citation or ticket prior to it being issued to the offender:

d. Upon voiding a citation, this issuing employee will mark the citation or ticket with "void" and sign it with the officer's name, identification number, and date. The issuing officer shall then attach the citation or parking ticket to a Void/Dismissal Form, which will be completed, signed by the issuing employee's supervisor, and then routed through the transmittal process to the Records Division for retention.

Body Worn Camera - 83.130:

F. Body Worn Camera User Guidelines:

2. Officers should activate the BWC when responding to a call for service or engaging in any Official Law Enforcement Matter, as defined in Section D of this policy and as indicated below:

f. All calls-for-service.

4. Once the BWC is turned on, Officers will continue to record until the conclusion of the event.

This is to serve as notice to you that your aforementioned action(s) or work product described is inconsistent with the standards expected of you, or that is required of you by law, City of Fort Pierce Rules and Regulations, or Fort Pierce Police Department Policy and Procedures. Failing to correct the action/ work product may subject you to progressive discipline up to suspension, and including termination.

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Chain of Command Review and Approval

1/ [Signature] 7010
Issuing Supervisor

8/24/19
Date

[Signature]
Bureau Commander

8/22/19
Date

Agree Disagree

[Signature] K. Davis
Chief of Police

8/26/2019
Date

Agree Disagree

Internal Affairs Case # S2018-008

My signature acknowledges receipt of this notice; however, it does not indicate an admission of guilt. I understand that I may have a right to appeal or grieve this disciplinary action, within certain specified time limits, as provided by City Personnel Rules and Regulations, Section 24 or any applicable collective bargaining agreement.

[Signature] 8681
Employee's Signature

8/26/19
Date

I agree with this action.
 I disagree with this action.

Employee's Statement (optional):

_____ / /



THE SUNRISE CITY
FORT PIERCE
 POLICE DEPARTMENT
 "In Honor We Serve"
Florida

Memorandum

TO: Deputy Chief Robert Ridle
 FROM: Lieutenant James Grecco *8/15/19*
 SUBJECT: Internal Affairs Case #2019-0005
 DATE: 8-15-19

Conduct. Ridle 8/22/19

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I have had an opportunity to review Internal Affairs Case Number, 2019-0005, completed by Detective Eason. My conclusion based on his investigation is as follows:

I recommend a sustained violation as Officer Anton did violate policy 61.110, Enforcement Policies & Traffic Law Violations. I base this conclusion on the fact that Officer Anton generated 2 citation dismissal forms and failed to have a supervisor sign off / approve the forms. He was the primary and sole officer on the traffic stop and freely admits during his interview with Detective Eason that he believed he violated the policy. I recommend a sustained second violation for 83.130 dealing with Body Worn Camera Procedures. I base this conclusion on the fact that Officer Anton admits to turning off his body camera to call Sergeant Lindstadt and fails to turn it back on when completing his phone call, continuing his encounter with Mr. Nelson. Officer Anton's body camera footage also corroborated the prior findings.


The original complaint from Rick Reed was that Officer Anton called his Uncle, City Commissioner Tom Perona, who advised him to void the citations. During Detective Eason's investigation, both Perona and Anton were asked if they communicated on the night of the traffic stop and both denied any phone call. Mr. Nelson was asked if he knew of any phone calls made by Officer Anton to current commissioners. Mr. Nelson first stated he believed Officer Anton called his Uncle (Tom Perona) and then changed his statement by saying he was unsure if Anton called anyone. I recommend a not sustained violation as there is no evidence to prove or disprove Officer Anton violated policy 26.100 Code of Conduct by speaking with Commissioner Perona in regards to dismissing the citations for Mr. Nelson. I did not find any further violations for review.





THE SUNRISE CITY
FORT PIERCE
POLICE DEPARTMENT
"In Honor We Serve"
Florida

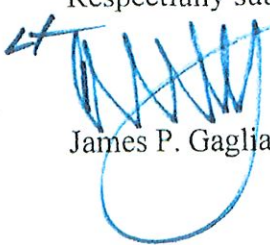
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TO: Robert Ridle, Deputy Chief/District 2
FROM: James P. Gagliano, Lieutenant 
SUBJECT: Internal Affairs Case 2019-0005
DATE: August 26, 2019

Upon completion of Internal Affairs (IA) # 2019-0005, it was determined Officer Nicholas violated Fort Pierce Police Department Policy 83.130- Body Worn Camera and 61.110- Enforcement Policies and Traffic Law Violations and will receive remedial training on these policies.

On August, 26 2019, you and I reviewed Fort Pierce Police Department Policy 83.130 and 61.110. At the conclusion of the training, Officer Nicholas Anton was given a copy of each policy and signed training rosters for verification of completion.

Respectfully submitted,


7010
James P. Gagliano, Lieutenant



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Florida

Training Roster

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Instructor: Lieutenant James Gagliano Date: 08/26/2019 Total Hours: .5
 Topic: 61.110- Enforcement Policies & Traffic Law

<i>Last Name (PRINT)</i>	<i>First Name (PRINT)</i>	<i>ID#</i>	<i>Signature</i>	<i>Pass/ Fail</i>	<i>Instr. Initials</i>
1) Anton	Nicholas	8681	<i>[Signature]</i>	P / F	<i>[Initials]</i>
2)				P / F	
3)				P / F	
4)				P / F	
5)				P / F	
6)				P / F	
7)				P / F	
8)				P / F	
9)				P / F	
10)				P / F	
11)				P / F	
12)				P / F	
13)				P / F	
14)				P / F	
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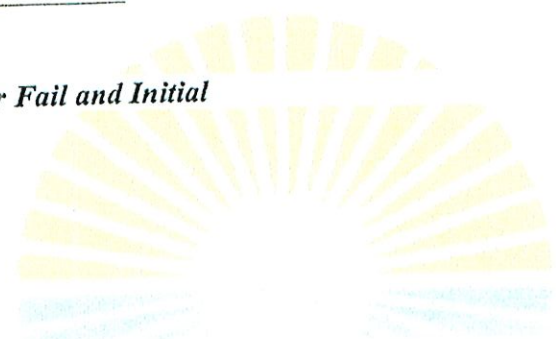
I verify that this document is a true and accurate account of attendance in the class.

[Signature] 7010 / 8.26.19 ID# 7010
 Lead Instructor (Signature)

 Assistant Instructor ID# _____

 Assistant Instructor ID# _____

Lead Instructor must certify attendees Pass or Fail and Initial





THE SUNRISE CITY
FORT PIERCE
 POLICE DEPARTMENT
 "In Honor We Serve"
Florida

Training Roster

COPY

Instructor: Lieutenant James Gagliano Date: 08/26/2019 Total Hours: .5

Topic: 83.130- Body Worn Camera

<i>Last Name (PRINT)</i>	<i>First Name (PRINT)</i>	<i>ID#</i>	<i>Signature</i>	<i>Pass/ Fail</i>	<i>Instr. Initials</i>
1) Anton	Nicholas	8681	<i>[Signature]</i>	P / F	<i>[Initials]</i>
2)				P / F	
3)				P / F	
4)				P / F	
5)				P / F	
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15)				P / F	

I verify that this document is a true and accurate account of attendance in the class.

[Signature] 8.26.19 ID# 7010
 Lead Instructor (Signature)

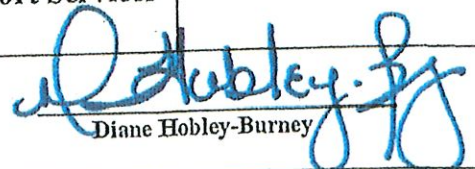
 Assistant Instructor ID# _____

 Assistant Instructor ID# _____

Lead Instructor must certify attendees Pass or Fail and Initial



CITY OF FORT PIERCE POLICE DEPARTMENT
Policy and Procedure

Subject: Enforcement Policies & Traffic Law Violations		Effective Date: August 23, 1991	Number: 61.110
Revised: November 08, 2016	Review Responsibility: Commander, Community Policing Bureau Commander, Support Services Bureau		 Authorized by: Chief of Police Diane Hobley-Burney

Contents:

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- B. Policy:
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- D. Stopping and Approaching Traffic Law Violators:
- E. Physical Arrests :
- F. Citations:
- G. Traffic Citations:
- H. Voiding/Dismissing Uniform Traffic Citations and Parking Tickets :
- I. Loss or Theft of Traffic Citations :
- J. Written or Verbal Warnings :
- K. Traffic Violators:
- L. Suspended, Revoked or Cancelled Drivers License:
- M. Parking Enforcement:
- N. Bicycle and Pedestrian Traffic Enforcement:
- O. Off Road Vehicles:
- P. Related Arrest Reports:
- Q. Speed Enforcement:
- R. Speed Detection:
- S. Driving Under the Influence:
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- W. Newly Enacted Laws and/or Regulations:
- X. Authority and Reference:
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A. Purpose:

To establish procedures governing physical arrest and traffic law enforcement activities to include general and specialized enforcement, citation procedure, traffic stops and arrest procedure.

- c. Leaving the scene of an accident with injuries
3. When the officer has reason to believe the continued liberty of the violator constitutes an unreasonable risk of injury to the accused or others.
4. When the accused fails to, or refuses to, sufficiently identify himself, or supply the required information for completion of the traffic citation.
5. If the person refuses to sign the traffic citation. Officers should inform persons receiving a citation that their refusal to accept the summons will result in their arrest. If a person still refuses to sign/accept the summons, the arrest should then be made.
6. If the officer has probable cause to believe the accused may be a fugitive from justice.
7. If it appears the accused has previously failed to respond to a citation or a summons, or has violated the conditions of any pretrial release program.
8. Including juveniles who have committed an offense(s) in which they may receive a summons to appear in court for a traffic violation. They may be issued a criminal traffic citation in lieu of being arrested if the criterion as listed above has been met. Juvenile offenders will receive the same traffic citation(s) as an adult offender.
9. Charged with felony traffic offenses. They shall be arrested and booked into the County Jail. Juveniles shall be arrested and referred to the Juvenile Court in accordance with standard procedures.
 - a. When an adult is arrested for a felony traffic offense, an arrest affidavit and Offense Report will be completed in addition to the Uniform Traffic Citation. The original citation will be placed into the transmittal box at the main station.
 - b. When a juvenile is arrested for a felony traffic offense, a juvenile referral shall be completed in addition to the Uniform Traffic Citation. The two (2) copies of the traffic citation shall be placed into the transmittal box at the main station.

F. Citations:

1. Issuing a Citation:
 - a. Traffic citations shall be issued on the basis of probable cause that satisfies the elements of the specific violation being charged.
 - b. All subjects charged with a misdemeanor traffic offense, except as stated above, may be released at the scene upon the signing of the traffic citation.
 - c. Officers will complete the citation, utilizing the OSSI citation writing software.
 - d. When issuing a citation, officers shall utilize the OSSI citation writing software. DHSMV paper citations will only be used by the Criminal Investigation Division and the Crime Suppression Unit. Patrol Officers may issue DHSMV hard copies only in the event of system failure or when safety considerations preclude the issuance of computer generated citations. These circumstances should be rare.
 - e. When issuing a traffic citation, officers shall give the violator a printed copy of the citation that contains driver instructions. When persons are issued citations for violations that do not require a court appearance the officer shall direct the violator to the back side of the citation

H. Voiding/Dismissing Uniform Traffic Citations and Parking Tickets:

1. An employee issuing a uniform traffic citation or parking ticket may void the citation or ticket prior to it being issued to the offender:
 - a. Uniform traffic citations may only be voided in this manner by the issuing officer or Community Service Aide.
 - b. Citations and tickets may only be voided in this manner when the issuing employee discovers that an error has been made on the form, the form is defective or incorrect, or if the initial decision to issue a citation has changed.
 - c. A uniform traffic citation is issued when it is signed by the offender. A parking ticket is issued when it is attached to the vehicle or otherwise placed in the custody of the offender.
 - d. Upon voiding a citation, this issuing employee will mark the citation or ticket with "void" and sign it with the officer's name, identification number, and date. The issuing officer shall then attach the citation or parking ticket to a Traffic Citation Dismissal Form, which will be completed, signed by the issuing employee's supervisor, and then routed through the transmittal process to the Records Division for retention.
2. After a uniform parking ticket or citation has been issued, it must be dismissed in the following manner:
 - a. Uniform traffic citations and parking tickets shall only be dismissed due to an error in issuing or other circumstances that would prohibit successful prosecution and not for personal favor.
 - b. Every request for dismissal must be approved by a bureau commander after inquiry into the circumstances requiring the dismissal.
 - c. All requests for dismissal shall be submitted and documented on a Traffic Citation Dismissal Form which shall be processed in the following manner:
 - 1) When any supervisor or employee believes that a citation or parking ticket has been issued in error or there are other circumstances that prohibit successful prosecution of the violation, the Traffic Citation Dismissal Form will be completed and a copy of the citation or ticket attached.
 - 2) The Traffic Citation Dismissal Form must provide the specific reason for the dismissal request.
 - 3) The form will be routed through the employee's chain of command to the bureau commander for determination, which will be made as provided herein. All request forms, whether approved or denied, will be forwarded to the Records Division for action and retention.
 - a) When a dismissal is approved for a citation or ticket that has not been transmitted to the courts for action, the dismissal will take place in-house with all records retained by the Records Division.
 - b) When a dismissal is approved for a citation or ticket that has been transmitted to the courts for action, the Records Division shall maintain a copy of the request and transmit the original to the court for action.

- a. All radar and laser units authorized for use within the State of Florida are provided by the Department of Highway Safety and Motor Vehicles.
 - b. Officers are only authorized to operate radar equipment upon successful completion of (40) forty-hour Radar Operator Course certifying their status as radar operators by the Criminal Justice and Standards Training Commission. Laser certification may be attained with the addition of a sixteen-hour laser class.
 - c. A photocopy of all radar operators' licenses should be kept within the operators' personnel/training file.
2. Operational Procedures for Radar:
Officers should follow operation and procedural guidelines set forth in radar operator school. This training received for certification is in accordance with the Criminal Justice and Standards Commission.
 3. Programmed Maintenance:
All radar units will be examined and calibrated on a semi-annual basis by licensed laboratory personnel (State of Florida requirement). Officers assigned a radar unit are required to have the radars calibrated at the time established by the department. If officer(s) fail to comply with this mandatory calibration, the radar may not be used until it has been calibrated. Officers failing to bring in their radar units for this calibration may be subject to disciplinary action.
 4. Maintenance and Calibration Records:
Each radar unit's records will be maintained within a separate binder and stored in the Administrative Services Sergeant's office. Documentation of all repair service and calibration will be available for reference purposes.
 5. Radar Log Book:
Any certified Radar Operator, with supervisory approval, may be assigned a radar unit. Assignment of these units and who they are assigned to will be maintained by the Administrative Services Sergeant.
 6. Pace Detection:
 - a. Officers using speedometers to establish probable cause to issue speed violation citations must pace the violator for an adequate distance to insure an accurate reading prior to making a traffic stop.
 - b. Officers will have the speedometers of their assigned vehicles calibrated every six months and a copy of the calibration certificate will be maintained in the vehicle. The Administrative Services Sergeant will also maintain a copy of the calibration. This certificate must be available for presentation in court. Officers certified to operate radar will also have their vehicle's speedometer calibrated in accordance with this Policy and Procedure.

S. Driving Under the Influence:

1. Traffic Stops:

- a. Equipment violations shall be enforced through the issuance of a citation, department correction card, written, or verbal warning. In deciding to cite or warn, the officer should consider whether the violation presents an immediate hazard to either the safe, continued operation of the vehicle, surrounding vehicles or pedestrian traffic. If such a hazard exists, a citation is in order.
 - b. If the violation is such that any further operation under the existing conditions would likely result in an accident, officers may impound the vehicle as authorized by Policy #61.430 Vehicle Impoundment. Such impoundment will be conducted in accordance with departmental procedure. If the violation is non-hazardous, or may be of such nature that the driver might be unaware of the condition, the issuance of a written warning is appropriate.
2. Multiple Violations:
- Enforcement of multiple hazardous violations will follow established guidelines for arrests and warnings. It shall be the exception, not the rule or policy, for an officer to refrain from issuing a citation for a second hazardous violation should the violation be serious enough. In all enforcement actions, the ultimate decision rests with the officer.
3. Moving Violations:
- Moving violations shall be enforced through the issuance of a citation or written warning. As previously stated, the decision as to which means of enforcement officers will use will depend on the type of violation and the circumstances surrounding it.
4. Non-Moving Violations:
- Non-Moving violations shall be enforced through the use of citations or warnings. In keeping with the goal of traffic enforcement, the reduction of accidents and education of the motoring public shall be conducted in the interest of yielding a higher level of voluntary compliance.
5. Public Carrier/Commercial Vehicle Violations:
- It is the policy of the Fort Pierce Police Department that no special consideration be given to public carrier or commercial vehicles. The vehicles must comply with all state, county and municipal laws and regulations, and are subject to citation or written warning as may be deemed appropriate by the officer. Additionally, if the officer feels a public carrier or commercial vehicle may be in violation of regulations that are federally- or state-mandated, and such violation is serious or hazardous, the officer should request the assistance of either another officer who is familiar with such regulations, or a Safety Enforcement Officer from the Florida Department of Transportation.

W. Newly Enacted Laws and/or Regulations:

1. When new laws are enacted, or new traffic controls are installed, enforcement action may be by:
 - a. Written warning or citation.
 - b. Written warnings may be used in lieu of citations during a specified grace period for new laws, new traffic control devices, etc.
2. The Police Department encourages officers to use good judgment in unusual circumstances to decide what enforcement action is proper. This should include giving consideration for newly

- e. Policy Deficiency: The alleged act or acts occurred and the act and/or omission was improper, but the employee was not at fault. The administrative investigation disclosed that the agency's policy was inadequate and that was the proximate cause of the alleged misconduct.

Procedures:

D. General Regulations:

1. The Office of Professional Standards will be responsible for the administration of the procedures as set herein, including but not limited to, the receipt, processing, and retention of administrative investigations.
2. Nothing in this policy shall prohibit a supervisor from taking immediate action against a member for a violation of department policy, city rules/regulations, or law when, in the supervisor's opinion, the violation requires immediate action.
3. Personnel complaints are regarded as confidential matters and not subject to public release until findings and determinations are filed by the Chief of Police. Members shall hold all information pertaining to personnel complaints in confidence, except as otherwise required to comply with this policy or orders from supervisory personnel involved in the processing or investigation of complaints [CFA 27.01 e]. This provision does not prohibit the Chief of Police from acknowledging the existence of a complaint and investigation as provided by Policy # 26.150 Disciplinary Procedures and F S S 112.533.
4. Employees who withhold information from, or fail to cooperate with, administrative investigations or who fail to report misconduct of employees are subject to disciplinary action in addition to any other disciplinary action that may result from an administrative investigation.
5. All employees, regardless of the nature of their involvement, are hereby compelled and ordered to cooperate in any and all administrative investigations.
6. All administrative investigations shall be conducted in a confidential manner and, when involving a sworn law enforcement officer, in accordance with F.S.S 112.533. Any information obtained from or during an administrative investigation shall be confidential until the Chief of Police or designee makes a final determination of corrective remedial action/corrective discipline action [CFA 27.01 e].
7. Nothing shall prohibit management staff from conducting preliminary investigations into allegations of misconduct to determine the need for additional action or investigation.
8. Nothing shall prohibit the Chief of Police from ordering an investigation into employee misconduct or to assign such investigation to external investigators.
9. Supervisors assigned to conduct investigations shall be aware of the alternate dispositions (Mediation and Deferral for Court Action) as provided in Policy #52 250 Personnel Complaints.
10. It is the responsibility of the investigating supervisor to ensure that any documents, investigative notes, files, CD's, or other evidentiary items are secured during the active investigation.[CFA 27.01 f]
11. The Chief of Police is the final reviewing authority and may make any changes necessary in the interests of uniformity and conformance to policy and procedure or city rules and regulations.

Where applicable, the City Manager, acting as the Appointing Authority, shall make final decisions on disciplinary actions involving suspension, demotion, or termination.

12. Offices, desks, file cabinets, planners, computers, vehicles, pagers, cell phones and all other facilities and equipment issued or assigned by the agency may be searched consistent with applicable law to collect and preserve evidence related to an investigation or for supervisory oversight. Agency members are hereby specifically informed that they have no expectation of privacy in regard to offices, desks, file cabinets, planners, computers, vehicles, pagers, cell phones and all other facilities and equipment issued or assigned by the agency.
13. The complainant at various stages of the administrative investigation may indicate that he/she wants to withdraw their complaint. This request cannot be refused; however, it is the policy of the agency to continue the administrative investigation as far as possible without the assistance of the complainant. When adjudicating complaints which are withdrawn by the complainant, the agency will make a notation beside the final adjudication that the complaint was withdrawn.

E. Assignment of Complaints:

1. Any complaint received, regardless of form and/or if as described above is mediated by a supervisor, shall be forwarded directly to the Office of Professional Standards, prior to the end of the duty shift the complaint was received [CFA 27.01 c].
2. The Office of Professional Standards shall do the following:
 - a. Conduct a Preliminary Administrative Review of the complaint to determine the substance of the complaint, the possible statutory or policy violations, the seriousness of the allegations, the nature of the complaint (for example, anonymous complaint), any circumstances that may question the validity of the complaint and a review of the subject member's administrative/disciplinary history. If necessary, this review shall include contacting the complainant [CFA 27.01 c].
 - b. If, after the Preliminary Administrative Review is conducted and the:
 - 1) Allegation is able to be investigated by a member of the subject member's chain of command, the following shall occur:
 - a) The complaint shall receive a complaint number and be entered into a complaint tracking database [CFA 27.01 d].
 - b) The complaint will then be forwarded to the subject member's Bureau Commander for assignment and investigation. Assignment of the investigation should occur within 5 business days of receipt of the allegation from the Office of Professional Standards.
 - c) The subject member shall be notified (via memorandum), by the Office of Professional Standards, within 5 working days of the initiation of the investigation, of the allegations, the complainants name, the investigator's name and the member's rights and responsibilities, relative to the investigation [CFA 27.02]. This notification shall not be made if doing so would adversely affect the conduct of the investigation. The decision of whether notification is made will be made by the Office of Professional Standards.