

# Daytona Beach Police Department

Michael J. Chitwood, Chief of Police

## MEMORANDUM

TO: Officer A. Swartzfager

FROM: Michael J. Chitwood, Chief of Police *MJC*

SUBJECT: Notice of Final Discipline: Ten Day (120-Hour) Suspension

DATE: September 20, 2016

### Disciplinary History

None

### Current Incident Summary

On June 7, 2016 around 0209 hours you were the subject of a traffic stop by the Edgewater Police Department. Event surrounding this stop were subject to an inquiry by the Officer of Profession Standards, project number 102-IA2016-010. Several violations of department policy were sustained at the conclusion of this investigation.

On September 7, 2016 you received and signed for a notice of proposed discipline for a ten day (120-hours) suspension. You were given the option of contacting my office within ten days with your comments or concerns. On September 13, 2016 I did receive your E-mail indicating that you wished to contest the proposed discipline. On September 16, 2016 I received a memorandum from you in regards to the proposed discipline. I have reviewed both items. At this time I have arrived at my final decision in this matter.

### Rules Violated

I find you in violation of the following Departmental Standards Directive:

**Departmental Standards Directive 200.4: Code of Conduct/Ethics, Unlawful Conduct**, "Employees shall not commit any act or crime which is defined by Florida Statutes as a misdemeanor, or which constitutes a municipal ordinance violation, whether chargeable or not, which brings discredit upon the Daytona Beach Police Department or otherwise impairs the operation and efficiency of the department, and/or which is likely to impair the ability of personnel concerned to perform assigned duties as determined by the Chief of Police."

**Notice of Final Discipline: Ten Day (120-Hour) Suspension**

September 19, 2016

**Departmental Standards Directive 200.6: Code of Conduct/Ethics, Professional Conduct and Responsibilities**, *"Employees shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the department, including, but not limited to, conduct prohibited by this directive."*

**Departmental Standards Directive 914.26: Weapons and Firearms, Authorized Off-Duty Handguns**, *"Requirements for carrying a firearm while off duty are listed below. Must be carried in a manner which provides concealment and safety when in civilian clothing; Firearm may be carried in a purse; Unless otherwise authorized, firearms shall be concealed when in civilian clothes; Firearms will not be carried when involved in sports activities, with exception of being engaged in fishing, lawful hunting or marksmanship; Firearms will not be carried when indulging in alcoholic beverages, or at a bar or similar establishment; Officers who elect to carry a firearm while off duty shall carry their badge and department issued I.D. card. This will assist in identifying the member as a police officer in the event the situation arises."*

**Penalty**

For violating the aforementioned rules and regulations as specified in the **Rules Violated** section herein, you are **suspended for a period of ten days (120-hours)** without pay from employment with the Daytona Beach Police Department. The dates on which you serve the suspension will be determined by the department.

**Appeal Procedures**

Should you decide to appeal this decision you will be guided by the Grievance and Arbitration Procedures outlined in the current Collective Bargaining Agreement with the City of Daytona Beach.

MJC/ss

100.20146.6922

Personnel File:

Officer A. Swartzfager