

Gainesville Police Department
Inter-Office Communication
Chief Norman B. Botsford

To: Chief Norman B. Botsford **Date:** 8/18/06
From: Captain Richard W. Hanna
Subject: Municipal Ordinance Comparative Study

Purpose:

To compare the practices of the Gainesville Police Department in regard to specific and general ordinance enforcement procedures to the procedures of other agencies within the state. "Specific ordinances" defined as those prohibiting possession of alcohol in public places (absent permit or special circumstance), public urination, and "general ordinances" being those ordinances compared cities have in common with the City of Gainesville which their officers enforce through civil citation process.

The following cities were provided for the purpose of the study. Cities were chosen without prior knowledge of their practice and based upon similarities to Gainesville:

- 1 – Tampa
- 2 – Fort Lauderdale
- 3 – South Beach
- 4 – Tallahassee
- 5 – West Palm Beach
- 6 – Jacksonville Beach
- 7 – Daytona Beach
- 8 – Saint Petersburg Beach
- 9 – Panama City
- 10 – Orlando
- 11 – Fort Myers

For the purpose of the study a questionnaire was drafted through Captain Richard Hanna's office of the Gainesville Police Department's Operational Development and Strategy Division. The questionnaire component was administered via telephone conversation wherein SGT Rob Koehler spoke to individuals of varying capacities at the city's respective law enforcement agency.

Some of the information, i.e. city population and officer ratios were derived through US Census information and the 2004 Federal Bureau of Investigations “Crime in America” Report.

CITY	AGENCY	OFC/CITIZEN RATIO	INTERVIEWEE/ASSIGNMENT
Tampa	Tampa PD	2.86/1,000	Ofc. Mako, Patrol
Ft. Lauderdale	Ft. Lauderdale PD	3.90/1,000	Det. Lerner, Staff Inspections & Accreditation
South Beach	South Miami PD	4.12/1,000	Lt. Ross, Commander CID, SIU, Budget
Tallahassee	Tallahassee PD	2.02/1,000	Cpt. Lewis Johnson, Alpha District Commander
West Palm Bch	West Palm Bch PD	3.35/1,000	Lt. Yates, Patrol Commander
Jacksonville Bch	Jacksonville Bch PD	2.78/1,000	Cpl. Tonya Tator, Patrol
Daytona Bch	Daytona Bch PD	3.83/1,000	Ofc. Endborg, Admin
St. Pete Bch	St. Pete Bch PD	4.50/1,000	Ofc. Jason Jackson, Patrol
Panama City	Panama City PD	2.31/1,000	Lt. Harwell, Patrol Commander
Orlando	Orlando PD	3.34/1,000	Lt. Tanzi, Eastside Watch Commander
Ft. Myers	Ft. Myers PD	3.14/1,000	Sgt. M. Massiero, Patrol
Gainesville	Gainesville PD	2.43/1,000	

Enforcement in regard to open container:

CITY	OPEN CONTAINER ORDER	MISD	ON-VIEW ARREST	NTA	CIVIL CIT PROCESS
Tampa	Yes	Yes	Yes	Yes	No
Ft. Lauderdale	Yes	Yes	Yes	Yes	No
South Bch	Yes	Yes	Yes*	Yes	No
Tallahassee	Yes	Yes	Yes	Yes	No
West Palm Bch	Yes	Yes	Yes	Yes	No
Jacksonville Bch	Yes	Yes	Yes	Yes	No
Daytona Bch	Yes	Yes	Yes	Yes	No
St. Pete Bch	Yes	Yes	Yes	Yes	No
Panama City	Yes	Yes	Yes	Yes	No
Orlando	Yes	Yes	Yes	Yes	No
Ft. Myers	Yes	Yes	Yes	Yes	No
Gainesville	Yes	Yes	Yes	Yes	No

*Requires a supervisor's approval to enforce

Enforcement in regard to public urination:

CITY	PUBLIC URINATION ORDINANCE	MISD	ON-VIEW ARREST	NTA	CIVIL CIT PROCESS
Tampa	No*	Yes	Yes	Yes	No
Ft. Lauderdale	Yes*	Yes	Yes	Yes	No
South Beach	Yes**	Yes	Yes	Yes	No
Tallahassee	Yes*	Yes	Yes	Yes	No
West Palm Bch	Yes*	Yes	Yes	Yes	No
Jacksonville Bch	No*	Yes	Yes	Yes	No
Daytona Bch	Yes*	Yes	Yes	Yes	No
St. Pete Bch	Yes	Yes	Yes	Yes	No
Panama City	Yes*	Yes	Yes	Yes	No
Orlando	Yes	Yes	Yes	Yes	No
Ft. Myers	Yes*	Yes	Yes	Yes	No
Gainesville	Yes	Yes	Yes	Yes	No

*Utilize State Statues if possible; **requires supervisor's approval to enforce

Enforcement by LEO in regard to other violations of general city ordinances besides parking and noise:

CITY	ENFORCED BY OFFICERS	MISD	ON-VIEW ARREST	NTA	CIVIL CIT PROCESS
Tampa	None	N/A	N/A	N/A	None for Officers
Ft. Lauderdale	Yes	Yes	Yes	Yes	None for Officers
South Beach	None	N/A	N/A	N/A	None for Officers
Tallahassee	Yes	Yes	Yes	Yes	None for Officers
West Palm Bch	None	N/A	N/A	N/A	None for Officers
Jacksonville Bch	None	N/A	N/A	N/A	None for Officers
Daytona Bch	None	N/A	N/A	N/A	None for Officers
St. Pete Bch	Yes	Yes	Yes	Yes	None for Officers
Panama City	None	N/A	N/A	N/A	None for Officers
Orlando	None	N/A	N/A	N/A	None for Officers
Ft. Myers	Yes	Yes	Yes	Yes	None for Officers
Gainesville	Yes	No	No	No	Yes

Criminal Prosecution of Ordinance Violations:

1 – Tampa – The City Attorney’s Office pays to staff one attorney at the SA’s office to litigate misdemeanor ordinance violations.

2 – Fort Lauderdale - All criminal violations of ordinance are prosecuted by the City Attorney’s office. If affiliated violation of State Statute then defendant is charged by State Attorney’s Office.

3 – South Beach - SMPD pays the State Attorney’s Office to prosecute violations of misdemeanor ordinance. They receive a quarterly bill from the SA’s Office. They also use policy and procedures to dissuade their officers from ordinance enforcement because it keeps costs down and the judicial end does not support misdemeanor ordinance enforcement.

4 – Tallahassee – TPD has a contract with the State Attorney’s Office to prosecute enforcement of misdemeanor ordinance violations.

5 – West Palm Beach - WPBPD has a contract with the State Attorney’s Office to prosecute enforcement of misdemeanor ordinance violations. The SA Office charges \$25 to litigate per case.

6 – Jacksonville Beach - All criminal violations of ordinance are prosecuted by the City Attorney’s office. If affiliated violation of State Statute then defendant is charged by State Attorney’s Office.

7 – Daytona Beach – All criminal violations of ordinance are prosecuted by the City Attorney’s office. If affiliated violation of State Statute then defendant is charged by State Attorney’s Office.

8 – St. Petersburg Beach – All criminal violations of ordinance are prosecuted by the City Attorney’s office. If affiliated violation of State Statute then defendant is charged by State Attorney’s Office.

9 – Panama City – PSPD has a contract with State Attorney’s Office who bills them for all ordinance cases prosecuted. PCPD recoups money through restitution.

10 – Orlando – OPD has an attorney on staff that prosecutes any violations of ordinance with unaffiliated violations of State Statute. That attorney has paralegal assistance. Officers are actually encouraged to utilize ordinance in lieu of statute if possible to keep minor violations off the State Attorney’s docket.

11 – Fort Myers - All criminal violations of ordinance are prosecuted in Ordinance Court through use of City Attorneys. If affiliated violation of State Statute then defendant is charged by State Attorney’s Office.