




Memorandum

To: Daniel J. Ransone, Acting Chief of Police

From: Luis Fernandez, Sergeant 

Date: August 24, 2023

Re: Officer Otishia Browning-Smith – Policy and Procedure Violation (Chapter 37 - Assigned Vehicles/Take Home Vehicle Program, Chapter 41 – Vehicles)

On August 16, 2023, during a special event hosted by the City of Sunrise Police Department, Officer Otishia Browning-Smith transported a citizen not employed by the City of Sunrise Police Department in her assigned, take home vehicle. The event was held at 9020 NW 38th Street Sunrise, FL 33351 at approximately 1700 hours.

This action was witnessed by multiple members of the Department and is in violation of the listed Policies and Procedures:

37.6.2.10 – Only passengers authorized under Chapter 41 of the Department Policies and Procedures Manual are permitted in a city vehicle.

41.6.11.3 – Citizens except arrestees, who are not employed by the Department, are prohibited from riding in a City vehicle without permission of a Supervisor in accordance with City Code, 10-2. Approval by a Supervisor must be based upon the citizen being transported in an official capacity.

41.6.11.3.1 – Citizens requesting to ride in a City vehicle for special events must be approved by the Chief of Police.

My investigation revealed the conclusion of fact to be documented as sustained. I respectfully request that this memorandum, the attached Preliminary Complaint Form and accompanying documentation be forwarded up the chain of command for review.

Received & Forwarded


Lt. Gregory Loor, 3575

SUNRISE POLICE

RECEIVED AND FORWARDED

DATE: 8/25/23

BY: 


S2
8/25/23



Preliminary Complaint Form
Chief of Police – Daniel J. Ransone

Employee's Name: Otishia Browning-Smith Date: 08/24/2023

P.D. Case/Citation#: N/A I.A. #: 23-14

Alleged Misconduct (Attach additional sheets if necessary):
On August 16th, 2023, Officer Otishia Browning-Smith transported a citizen not employed by the City of Sunrise Police Department in her assigned, take home vehicle. This action is in violation of the listed Policies and Procedures. 37.6.2.10, 41.6.11.3 and 41.6.11.3.1. The listed policies pertain to unauthorized use of assigned, take home vehicles for transporting persons that are not City of Sunrise employees or arrestees.

Complainant (print): Sgt. Luis Fernandez #3637 Signature: [Signature]

Phone (home/Cell): [Redacted] Phone (work): (954)746-3541

Address: 10440 West Oakland Park Blvd. Sunrise, FL 33351

Supervisor Receiving Complaint: Lt. Gregory Loor #3575

Investigation Authorized by: ADJUTANT CHIEF DANIEL J. RANSONE

Investigation Conducted by: SERGEANT L. FERNANDEZ I.A. Investigation: NO

Findings: [] Unfounded [] Not Sustained [X] Sustained [] Exonerated [] Training

Division Commander: [Signature] Date: 8/25/23

Deputy Chief: [Signature] Date: 8/25/23

Recommended Discipline (on Notice of Intent): VERBAL COUNSELING / VEHICLE SUSPENSION

Final Disposition: SUSTAINED - VERBAL COUNSELING / 30 DAY VEH. SUSP.

Chief of Police: [Signature] Date: 8/28/23

In signing this report, I acknowledge only that it has been discussed with me and that I have received a copy. I understand that I may respond verbally or in writing, and that such response will be made part of this report and taken into consideration.

Employee's Signature: [Signature] Date: 8/29/23

Katz, Paul

To: Browning, Otishia
Cc: Fernandez, Luis; Loor, Greg; Sweat Keven
Subject: 30-Day Vehicle Suspension

Officer Browning-Smith,

Due to a sustained take-home vehicle violation, Acting Chief of Police Daniel J. Ransone has given you a 30-day vehicle suspension.

Starting the end of business day tomorrow, please leave your assigned vehicle key with the SOS Commander (Major Sweat) or his designee in his absence.

You will pick up your vehicle key at the start of your shift each day and return it at the end of your shift until the conclusion of your vehicle suspension.

*** The dates you will serve the vehicle suspension will be from **8/16/23 – 9/16/23**

Brian Katz

Lieutenant | Internal Affairs | City of Sunrise Police Department



10440 West Oakland Park Boulevard, Sunrise, Florida 33351
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Mobile: (954) 661-9680
Non-Emergency: (954) 764-4357 (HELP)
pkatz@sunrisefl.gov
www.sunrisefl.gov



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equipment such as stands, printers, cable attachments, or other peripherals for the proper functioning of the equipment).

41.6.9.3. City vehicles shall not be utilized for carrying heavy or excessive loads nor shall any item be carried which protrudes from the trunk or windows or is attached to the exterior of the City vehicle.

41.6.9.3.1. Officers authorized to utilize police bicycles or trailer police equipment may attach these items provided that they have the proper Department approved equipment designed for this purpose.

41.6.9.4. Employees are prohibited from removing and/or altering any police package or special equipment from vehicles.

41.6.9.5. Employees will not carry any unauthorized equipment or armament within or attached outside a police vehicle.

41.6.9.6. Employees who wish to make suggestions for equipment or designs shall submit their suggestions in writing to the Chief of Police through the chain of command.

41.6.9.7. When unassigned City vehicles are not in use, they will be available for the use of other Department members, unless otherwise denoted by a Supervisor.

41.6.10. All employees utilizing any City vehicle shall fuel their City vehicle, while on-duty, prior to or at the conclusion of each shift in order to improve the efficiency of Department operations. Such activity shall not take precedence over calls for service.

41.6.11. Vehicle Operation:

41.6.11.1. All vehicles will be operated in a careful and prudent manner.

41.6.11.2. All employees are required to wear seat belts when operating or riding as a passenger in City vehicles or in a personal vehicle on City business. (CFA: 17.09)

41.6.11.2.1. All employees who transport citizens not employed by the City of Sunrise shall ensure that they wear seat belts, appropriate restraint devices, or are secured in child-safety restraint devices according to Florida State Statutes. (CFA: 17.09)

41.6.11.3. Citizens, except arrestees, who are not employed by the Department, are prohibited from riding in a City vehicle without the permission of a Supervisor in accordance with City Code, Section 10-2. Approval by a Supervisor must be based upon the citizen being transported in an official capacity.

41.6.11.3.1. Citizens requesting to ride in a City vehicle for special events must be approved by the Chief of Police.

37.6.2.3. Employees shall not presume any special privileges with a take-home vehicle while off-duty. Operators will conform to all state and local laws and regulations regarding traffic and parking.

37.6.2.4. Any employee participating in this program who will be off-duty for a period exceeding fourteen days shall return the take-home vehicle to the Department; unless otherwise authorized by the Chief of Police. The said City vehicle should remain at the Department until the return of the employee. Routine maintenance or repairs should be scheduled for this period. City vehicles are not to be used for any reason without specific approval by the Chief of Police. "Off-Duty" in this case shall be considered any period of time where an employee is not physically at his/her assigned duty, e.g., annual leave, military leave, bereavement leave, holiday leave, compensatory time or any combination of leave time, etc.

37.6.2.5. Employees on suspension and/or administrative leave shall have their take-home vehicles removed from personal assignment until such time as they return to full duty, except in those cases where their termination from the program is a part of the disciplinary action.

37.6.2.6. Any officer or other employee on light-duty status due to an injury, which has rendered the officer or other employee unable to perform their duties without restrictions, will return their take-home vehicle back to their immediate supervisor. The use of that vehicle during the convalescent period will be determined by the Chief of Police.

37.6.2.7. Policies and procedures pertaining to employees on-duty shall also apply to employees off-duty while operating an assigned or take-home vehicle.

37.6.2.8. Unattended City vehicles assigned to employees shall be locked at all times when not in use.

37.6.2.9. Take-Home vehicles shall not be parked on the public street/swale when at the assigned employee's residence off-duty.

37.6.2.10. Only passengers authorized under Chapter 41 of the Department Policies and Procedures Manual are permitted in a City vehicle.

37.6.2.11. City vehicles shall not be utilized for carrying heavy or excessive loads nor shall any item be carried which protrudes from the trunk or windows or is attached to the exterior of the City vehicle.

37.6.2.11.1. Officers authorized to utilize police bicycles or trailer police equipment may attach these items provided that they have the proper Department approved equipment designed for this purpose.

- (2) Conduct unbecoming a city employee;
- (3) Violation of any criminal law;
- (4) Disorderly conduct while on or off duty;
- (5) Making a false official report;
- (6) Illegally requesting sick leave when not actually incapacitated from work and failing to produce a doctor's report when requested or ordered to do so.
- (7) Receiving or accepting any fee, reward or gift from any person for services rendered while on duty;
- (8) Receiving bribes in money or other valuable articles;
- (9) Sleeping while on duty;
- (10) Disobedience of orders from superiors or written orders of the city;
- (11) Insubordination to a supervisor;
- (12) Using coarse, profane or insolent language to a superior, to any other city employee or to a citizen; and
- (13) Carrying of passengers in a city vehicle when such passengers are neither city employees or officials, nor riding in an official capacity.

Dereliction of duty:

- (1) Neglecting to perform assigned duties;
 - (2) Inefficiency in performing assigned duties or incapacity to perform same;
 - (3) Neglecting to treat officers and employees of the city, or any other person courteously and respectfully at all times;
 - (4) Neglecting to wear uniform, when required, while on duty or on official business of the city;
 - (5) Refusing to give name and city employee number and position, when requested to do so in the performance of duties;
 - (6) Leaving post, station or assigned work area in being absent from duty without permission from proper superior; and
 - (7) Willful neglect or repeated neglect to carry out assigned tasks.
- (c) These rules and regulations are guides and expressions of city policies and are not intended to cover each specific or possible case which may arise in the discharge of duties. It is understood and presumed that each employee will act with intelligence, discretion, good judgment and common sense in the discharge of his duties and in the service of the city.
- (d) These rules and regulations are in addition and supplemental to any other rules and