



City of Miami Police Department

RECORD OF FORMAL COUNSELING

Employee Name: Thomas Vokaty Employee P.I.N.: 7279

Assignment (Include: Div. / Sect. / Unit / Detail): F.O.D. / Coconut Grove N.E.T. C-Shift

PERFORMANCE OR CONDUCT CITED

- Attendance, Lateness/Early Quit, Rudeness to Employee/Citizens, Unsatisfactory Performance, Carelessness, Failure to Follow Instructions, Damage to Material/Equipment, Violation of MPD Policies or Procedures, Insubordination, Safety Violation, Working on Personal Matters, Other

SUPERVISOR'S STATEMENT

Date of Incident: 11/08/11 Time: 2040 hours

Location of Incident: Florida Turnpike South & Okeechobee Road

On Tuesday, November 8, 2011, at approximately 2040 hrs, Officer Thomas Vokaty conducted a traffic stop in his marked City of Miami Police vehicle on the Florida Turnpike and Okeechobee Road. Officer Vokaty stopped [redacted] is who was in full uniform and driving his marked State of Florida Highway Patrol Vehicle. Officer Vokaty had no jurisdictional authority to conduct this stop. This action exhibited poor judgment on the part of Officer Vokaty and reflects poorly on the cooperative relationship with the City of Miami Police Department and the Florida Highway Patrol, a valuable partner in the execution of our law enforcement duties.

Therefore, I find Officer Thomas Vokaty to be in violation of the following City of Miami Departmental Orders and Civil Service Rules.

(Over)

CORRECTIVE ACTION TO BE TAKEN

Officer Thomas Vokaty is to receive this formal counseling and follow departmental policy and procedure D.O. 1, Chapter 11: Rules and Regulations regarding Section 11.6.28.5 regarding Jurisdictional Authority

POSSIBLE CONSEQUENCES SHOULD INCIDENT OCCUR AGAIN

Officer Vokaty is forewarned that any future behavior in any way similar to this incident shall result in a more severe penalty being imposed.

- I Agree with Supervisor's Statement, I Disagree with Supervisor's Statement, I have submitted an addendum, I have NOT submitted an addendum

I have read this Record of Formal Counseling and understand it.

Table with 4 columns: Name, Sign, PIN, Date. Rows for Officer Thomas Vokaty, Lt. Rodolfo Llanes, Sergeant, Lieutenant, and Div. Chief.

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Departmental Order 1, Chapter 11: RULES AND REGULATIONS

Section 11.6.28.5 Jurisdictional Authority: Prudent discretion is very important when taking law enforcement action of any kind, especially when off-duty and outside the City's jurisdiction. When outside the City's jurisdiction, your arrest powers are limited by the terms and conditions to the Mutual Aid Agreement governing concurrent jurisdiction with Dade County, Florida. Beyond the jurisdictional boundaries of Dade County, Florida, your arrest powers are generally limited to that of a civilian. Chapter 776 of the State of Florida Substantive Laws describes the statutory authorization one has in applying "use of force" in defense of person or others. Departmental Order 2, Chapter 6 titled: "Use of Force" further defines the application of "use of force" as directed by the Department.

For all other police powers, once you are outside the City's jurisdiction, those powers generally end. An exception is in "hot pursuit" under Chapter 901, Subsection 901.25 under the State of Florida Procedural Laws. Additionally, limited or delayed backup units and radio communication failures could impact on officer safety and effectiveness due to the distance from the City and other factors. All sworn members are reminded to refer to the Departmental Orders, Sop's, Rules and Regulations, and other official memoranda when addressing any particular situation. Specifically for arrests, refer to Departmental Order 1, Chapter 11, Subsection 11.6.5.11.

Officer Vokaty is also found to be in violation of the Mutual Aid Agreement between Miami-Dade County and the City of Miami ratified February 4, 2010.

**Standard Operating Procedure for Concurrent Law Enforcement Jurisdiction
Section. 5.**

1. General Requirements: c. Officers shall not conduct routine patrol activities outside of their jurisdiction.

Additionally, Officer Vokaty is also found to be in violation of the following City of Miami Civil Service Rules and Regulations:

Civil Service Rules and Regulations, Rule 14:

Section 14.2 Grounds for Dismissal, Suspension and Demotion. The following are declared to constitute a breach of duty and to be grounds for dismissal or suspension from the classified service or grounds for demotion, though charges may be based upon causes other than those

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enumerated: viz, that any employee who has been guilty of conduct unbecoming any employee of the City of Miami, who:

(e) Has violated any lawful and reasonable official regulation or order, or failed to obey any lawful or reasonable direction made and given by his/her superior, where such violation or failure to obey amounts to:

(2) a serious breach of proper discipline;

(h) has been guilty of actions which amount to insubordination or disgraceful conduct, whether committed on duty or off.

I recommend that this Record of Formal Counseling report become a permanent part of Officer Thomas Vokaty's personnel file.