



ORMOND BEACH POLICE DEPARTMENT

Jesse Godfrey, Chief of Police



MEMORANDUM

To: William Warmington, Sergeant
From: Jesse Godfrey, Chief of Police 
Date: 10/24/2019
Subject: **Final Disciplinary Action for IA19-004**

On Friday, October 4th, 2019, a meeting was held in the Police Department conference room pursuant to Internal Affairs investigation IA19-004. Present during this meeting were: Chief Jesse Godfrey, Captain D.W. Smith, Captain Chris Roos, Human Resources Manager Heather Kidd, Ned Golden and yourself.

During the pre-determination conference you made comments and/or explanations pertaining to your actions during the incident for my consideration prior to making my final decision regarding discipline in this matter. You did provide me with documentation for my review and consideration during the pre-determination conference. Those items are listed as follows:

A response memorandum from you to me, a transcribed copy of J. Rinehart's IA interview, a memorandum with transcripts from J. Rinehart's interview with Volusia County Sheriff's Office investigators, a memorandum with "IA Report issues" and two (2) e-mails from Robert Ott.

Based on the information documented in the investigative report pursuant to IA19-004, I find that your actions have violated the following Departmental Standards Directives:

1. As it pertains to you engaging in a personal relationship with a known criminal that was living in a residence in our City that you were made aware that possible illegal activity was occurring.

I find that you violated the following Departmental Standards Directives **C-1-19, Code of Conduct Section 1.3, Violation of Rules:** Members will not commit any acts or omissions that constitute a violation of any of the rules, regulations, directives, or orders of the Ormond Beach Police Department.

I also find that you violated the following Departmental Standards Directives **C-1-19, Code of Conduct Section 3.5, Association with Criminals:** Members will avoid regular or continuous association or dealings with persons, other than immediate family, who are known to have a lifestyle of continuing criminal activity (e.g., drug use, sexual offenses, burglary, theft, or dealing in stolen property), or are known to be under investigation for felonies by this or any other law enforcement agency.

I also find that you violated the following Departmental Standards Directives **C-1-19, Code of Conduct Section 3.9, Conduct unbecoming a member of the Police Department:** Defined as any conduct or act which has an adverse impact upon the operation of the

Department, and damages public respect and confidence in the Department and its employees. Such conduct may include, but is not limited to, participation in any immoral, indecent, or disorderly conduct, or conduct that causes substantial doubts concerning a person's honesty, fairness, or respect for the rights of others or the laws of the state or nation, regardless of whether such act or conduct constitutes a crime.

Prior to making my final decision for discipline in the incident as noted above, I took into consideration your performance record and disciplinary incidents since you were promoted to the rank of Sergeant on January 8th, 2017. During that time period, you have demonstrated a repeated lack of supervisory skills and created a lack of confidence in your ability to perform your duties as a supervisor. In June of 2017 you received a written reprimand for an at fault crash. In May of 2018 you received counseling for approving your own overtime without authorization. In August of 2018 you received counseling for sleeping on duty. In November of 2018 you received a written reprimand for negligence non-endangering regarding adequate staffing levels. In May of 2019 you were suspended from work without pay for twenty-four hours for an unauthorized vehicle pursuit, negligence endangering, and dating violence incident.

Additionally, in January of 2019, because of the difficulty you were having as a supervisor, you were transferred from Delta shift to Charlie shift under the direct supervision of Lieutenant Elkins. This was done in an attempt to improve your performance and ensure that your difficulties were not based on any conflicts with your immediate supervisor, Lieutenant Doggett.

Before rendering my final disciplinary decision based on the above sustained findings and previous discipline, a meeting was held on Thursday, October 24th with your F.O.P. representatives (Ned Golden and Tom Larsen) Assistant City Manager Claire Whitley, Chief Jesse Godfrey and Human Resources Manager Heather Kidd. As a result of that meeting, a Final Discipline Settlement was entered into by all parties involved, see attached.

Name: Bill Wamoy #353 Date: 11-01-19
Witness: Lt Th. Elkh Date: 11-01-19

FINAL DISCIPLINE SETTLEMENT

COMES NOW, the City of Ormond Beach (hereinafter referred to as the “City”), William Warmington (hereinafter “Warmington”), and the Collective Bargaining Unit, FOP, hereby enter into the following Settlement:

WHEREAS, Warmington is employed by the City as a Sergeant; and

WHEREAS, the City issued a Predetermination Conference Notice to Warmington on September 12, 2019, based on the results of Internal Investigation (IA)19-004, with proposed disciplinary action up to and including termination.

WHEREAS, the FOP, on behalf of Warmington, alleges that the City violated FS 112.532 in that the City exceeded the limitations period of 180 days for disciplinary action and is therefore prevented from imposing the proposed discipline; and

WHEREAS, the City denies any violation of FS 112.532; and

WHEREAS, the Parties wish to settle and resolve any and all matters related to IA19-004, as well as those pertaining to a pending inquiry related to Incident Report (IR)19-035;

THEREFORE, the Parties agree as follows:

1. Parties agree that Warmington, effective October 28, 2019:
 - a. is demoted to the rank of Officer;
 - b. is assigned to the motors unit within the Police Department; and
 - c. will maintain his current base pay rate without being subject to any reduction in base pay as a result of said demotion;
2. By executing this Agreement, Warmington and the FOP, hereby agree not to pursue any other claims or grievances relating to IA19-004.
3. By executing this Agreement, the City agrees not to pursue any further action based on IA 19-004 and IR 19-035.

4. The Parties agree that this Settlement shall be non-precedent setting and shall not be considered for any purpose by the Parties, including resolution of any future grievances or arbitrations.

5. The City does not admit any violation of the collective bargaining agreement or any other law, rule or policy; or that it is required to take the actions set forth herein; but is agreeing to resolve this grievance in the spirit of cooperation and good labor relations. The FOP does not waive any argument regarding the applicability or alleged violation by the City of FS 112.532, but is agreeing to resolve this matter in the spirit of cooperation and good labor relations.

6. The Parties have carefully read and understand the terms set forth above and voluntarily agree to these terms as indicated by the signatures below.

7. Warmington, by signing below, hereby accepts this resolution of the disciplinary matter relating to IA19-004. He further agrees to waive any and all claims of whatever nature against the City, whether known or unknown, including but not limited to any claims related to IA19-004 and IR19-035 arising under the collective bargaining agreement, or under any Federal, State, or local law prohibiting discrimination on the basis of race, age, sex, gender, national origin, disability, or religion, relating to the issues in dispute in this instance.

IN WITNESS WHEREOF, the Parties have executed this Agreement, consisting of three (3) pages (including signature pages), as of the dates hereinafter appearing.

DATED: 10/29/19

CITY OF ORMOND BEACH

By: 

Printed Name: Jesse Godfrey

Title: Police Chief

DATED: 10/29/19

WILLIAM WARMINGTON

Bill Warmington

DATED: 10/28/19

NED GOLDEN, FOP

Ned Golden