

when breaching the intersection, but failed to engage his emergency lights when doing so. In viewing the video, it was also troubling that Corporal Ayers parked his patrol vehicle in the roadway when contacting the bicyclist on the sidewalk, without engaging his overhead emergency lights. During the stop, several vehicles were required to drive around his vehicle, and emergency equipment should have been engaged. I concur with the finding of **Sustained**.

14. **Additional Finding No. 11 – Policy Violation - SOP 248.00 – Observer Ride-Along Program.** See item 7, Additional Finding No. 4. This allegation will be reclassified from Sustained to Not Sustained and Policy Review Required.
15. **Additional Finding No. 12 – Policy Violation/Traffic Violation.** This violation pertains to the finding that Corporal Ayers ran a stop sign at 9:33 p.m. while conducted a traffic stop located at West Henry and Shreve Street. After considering Corporal Ayers' explanation during his pre-disciplinary conference of August 2nd, as well as reviewing the in-vehicle video recording, I do not concur with this finding. I approve the reclassification of this finding from Sustained to Exonerated.
16. **Allegation No. 13 – Policy Violation – SOP 215.00(II)(B) – Conduct Unbecoming Punta Gorda Police Department Personnel.** This finding alleges that Corporal Ayers referred to a young mentally challenged back seat passenger during a traffic stop as a "retard" in his vehicle in the presence of his observer while laughing. After reviewing the facts of this allegation as well as the in-vehicle video recording, I found the conduct of Corporal Ayers to be offensive and in extremely poor taste, casting a very negative reflection upon the Punta Gorda Police Department as well as the City of Punta Gorda. During his pre-disciplinary conference on August 2nd, Corporal Ayers attempts to explain away his conduct by offering that he was attempting to educate Senger. He even went on to provide a definition of the word *retard*. He concludes by stating that he and Senger were in the confines of the vehicle, not around any citizens, and did not engage in conduct unbecoming in front of anyone. More concerning is Corporal Ayers' refusal to acknowledge the seriousness of this violation or take responsibility for it, stating that he didn't think it was inappropriate. I concur with the finding of Sustained, and find this offense to be particularly egregious.
17. **Additional Finding No. 14 – Policy Violation - SOP 248.00 – Observer Ride-Along Program.** See item 7, Additional Finding No. 4. This allegation will be reclassified from Sustained to Not Sustained and Policy Review Required.
18. **Additional Finding No. 15 – Policy Violation - SOP 248.00 – Observer Ride-Along Program.** See item 7, Additional Finding No. 4. This allegation will be reclassified from Sustained to Not Sustained and Policy Review Required.
19. **Additional Finding No. 16 – Policy Violation - SOP 510.09(3)(D) – In-Vehicle Audio/Video Recording.** With respect to the investigator's finding that Corporal Ayers initiated a field sobriety exercise off camera, I concur that he did initiate the process off camera. However, a review of the video reveals that Officer Bonnie Sills arrived on-scene shortly thereafter and turns the camera to capture the field sobriety exercises. Officer Sills