



PROCEDURES AND GUIDELINES

PROCEDURE: SOP 1445

TITLE: Security & Safety Violations

RESPONSIBILITY: Public Safety & Security

EFFECTIVE DATE: May 28, 2021

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PROCEDURAL CONTENT:

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1. Authority:

- 1.1 The JAXPORT Facility Security Plan, under 33 CFR 105.255 (b) (2), provides regulations for establishing and maintaining a means for enforcing JAXPORT's Facility Security Plan (FSP) and Public Safety Department procedures. JAXPORT, Chief Executive Officer delegates authority to the JAXPORT Director of Public Safety for enforcement of regulations and statutes, as well as determining appropriate administrative actions to be taken against person(s) who commit security and safety violations on JAXPORT properties. The Director of Public Safety or designee will be responsible for all security violation correspondence, hearings, and final determinations of a security breach, a security incident, or safety violation. Notifications will include the individual and his/her employer (if information is available).
- 1.2 The Jacksonville Port Authority established Tariff Language (31-345) Security and Safety Violations which states: All personnel entering upon JAXPORT property are subject to security and safety requirements in accordance with 33 CFR Part 101 and 105, as well as JAXPORT policies and procedures. Personnel failing to adhere to established requirements are subject to issuance of a security/safety violation with associated administrative actions.



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2. Definition

- 2.1 A security violation is defined as any act or circumstance, whether lawful or not, threatening or compromising the security or safety of a ship and/or port facility, violating either the JAXPORT or JAXPORT Tenant's FSP, JAXPORT tariff policies, or an act or series of acts leading to or resulting in a breach of security. Non-security violations under this policy may include property damage, or any unsafe act jeopardizing the safety or well-being of the individual or others (i.e. minor traffic accident, speeding, etc.).

3. Levels of Security Violations

- 3.1 There are four (4) levels of security violations. The levels are listed below, with Level 1 as the most severe, and Level 4 as the least severe.

3.1.1 Level I

- 3.1.1.1 Assault / Battery – As defined in Chapter 784, Florida Statutes, including, but not limited to, simple, aggravated, or any physical confrontation with anyone on JAXPORT property
- 3.1.1.2 Any act of workplace violence as defined by the general duty clause outlined in OSHA 29 USC 654 SEC. 5. Duties; any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site.
- 3.1.1.3 Trespassing – After Warning or by deception or assisting in deception resulting in NRC Notification or arrest
- 3.1.1.4 Possession or introduction of controlled substances, as described in Florida Statute 893.03, explosives, dangerous devices, firearms, or concealed weapons as outlined in Federal or State statutes within a vehicle or on one's person on port property
- 3.1.1.5 Possession or use of fraudulent documents, (DL, Government ID, Port ID, or other documents) to gain access to the port or to interfere with any security function
- 3.1.1.6 Failure to maintain proper TWIC Escort in a Secure or Restricted Access Area (RAA)
- 3.1.1.7 Violation of any State or Federal law defined as a felony or domestic violence
- 3.1.1.8 Unauthorized release of Security Sensitive Information protected under 49 CFR 1520.



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- 3.1.1.9 Failure to respond to a security / safety violation notice
 - 3.1.1.10 Aggressive careless driving as described in Florida Statute 316.1923
 - 3.1.1.11 Reckless driving as described in Florida Statute 316.192(1)(a)
 - 3.1.1.12 Habitual offender (3 or more violations of any Level within two years)
 - 3.1.1.13 Failure to obey a traffic control device (speed 16 + mph over limit)
 - 3.1.1.14 Knowingly leaving the scene of an accident with property damage or injury without reporting the accident
 - 3.1.1.15 Violation of OSHA standards or JAXPORT safety rules creating a potential danger. Level of Violation depends on the severity of the Offense, with the recommendation of the JAXPORT Security Violation Hearing Committee.
- 3.1.2 Level II
- 3.1.2.1 Trespass in an unauthorized area
 - 3.1.2.2 Refusal or failure to follow the instructions of security personnel
 - 3.1.2.3 Refusal or failure of an individual to identify themselves or submit to an inspection or search while within the restricted areas of the Port
 - 3.1.2.4 Abandoned vehicle in a RAA affecting commerce or operations
 - 3.1.2.5 Second offense of any Level III or IV violation in one calendar year
 - 3.1.2.6 Failure to obey a traffic control device (speed 10-15 mph over limit)
 - 3.1.2.7 Violation of OSHA standards or JAXPORT safety rules creating a potential danger. Depending on the severity of the Offense, Violations can be escalated to a higher level with the recommendation of the JAXPORT Security Violation Hearing Committee.
- 3.1.3 Level III
- 3.1.3.1 Failure to present TWIC / Port identification when requested by security
 - 3.1.3.2 Violation of procedures as outlined in the Facility Security Plan and /or JAXPORT Tariff
 - 3.1.3.3 Parking in an unauthorized area (second violation within two years)
 - 3.1.3.4 Violation of OSHA standards or JAXPORT safety rules creating a potential danger. Depending on the severity of the Offense, Violations



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can be escalated to a higher level with the recommendation of the JAXPORT Security Violation Hearing Committee.

- 3.1.3.5 Failure to obey a traffic control device (speed 5-9 mph over limit, directional, stop signs)
- 3.1.3.6 Violation of Unlawful Speeds, excessive speeds in Special Hazard areas or conditions, including, but not limited to: heavy rain, large standing water, fog, ice or other weather phenomenon.
- 3.1.3.7 Failure to obey traffic control direction of security personnel
- 3.1.3.8 Failure to report suspicious behavior, security violations or damage to Port controlled property.
- 3.1.3.9 Violation of TWIC Escort rules.

3.1.4 Level IV

- 3.1.4.1 Parking violations (Handicap, prohibited or undesignated parking areas)
- 3.1.4.2 Safety Violation Warnings

3.2 In addition to the violations outlined above in Section 3.1, JAXPORT Tenant rules and regulations may also be applicable.

3.3 JAXPORT Tenants reserve the right to impose additional penalties above the defined JAXPORT Security Violation Penalties up to and including permanent denial of tenant facility access for safety/security incidents.

4. Security Violation Penalties

4.1 A person found guilty of any of the above-reference security violations may be punished in accordance with the following penalties:

- 4.1.1 Level I security violations will result in the violators access privileges being revoked for a minimum of 5 days up to a maximum indefinite revocation. Level I security violators must also attend a security violation hearing (SVH) and attend JAXPORT's 33 CFR 105.215 Security /Safety Awareness Training at his/her cost.
- 4.1.2 Level II security violations will result in the violators access privileges being revoked for a minimum of 3 days up to a maximum of 30 days. Level II security



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violators must also attend a security violation hearing (SVH) and attend JAXPORT's 33 CFR 105.215 Security /Safety Awareness Training at his/her cost.

- 4.1.3 Level III security violations will result in the violators access privileges being revoked for a maximum of 15 days. Level III security violators may waive the security violation hearing by admitting to the violation and attend JAXPORT's 33 CFR 105.215 Security /Safety Awareness Training at his/her cost.
 - 4.1.4 Level IV security violations will result in the violators access privileges being revoked for a maximum of 10 days. Level IV security violators may waive the security violation hearing by admitting to the violation and attend JAXPORT's 33 CFR 105.215 Security/Safety Awareness Training at his/her cost.
 - 4.1.5 In addition to any revocation of access privileges, a person given a security violation, regardless of the Level or punishment, must pay an administrative fee of \$125.00.
- 4.2 JAXPORT reserves the right to impose additional requirements to meet USCG requirements for 33 CFR 105.215 Security/Safety Awareness Training, ensure the safety of JAXPORT employees, it's Tenants and all visiting personnel and to recover all administrative costs associated with JAXPORT's Business Purpose Credential.

5. Enforcement Procedures

- 5.1 Individuals committing such violations may have either their access privileges suspended immediately and be removed from the premise by any designated JAXPORT Public Safety Manager or authorized JAXPORT Compliance Officer (PSCO) under the JAXPORT FSP, law enforcement, and/or issued a violation notice as a remedy for violations. These actions may be in addition to any enforcement action taken by a JAXPORT Tenant or a law enforcement officer, if a violation of law.

6. Reporting

- 6.1 Any incident which is deemed by the Director, Public Safety Manager, or a Public Safety Compliance Officer, to be a security / safety violation, a Transportation Security Incident (TSI), or a security breach, shall be documented and submitted through the JAXPORT Public Safety Department chain of command.
 - 6.1.1 JAXPORT Public Safety Compliance Officer (PSCO)'s shall submit reports to the Public Safety Manager or designee



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- 6.1.2 JSO reports shall be submitted through their normal routing procedures and the JSO Coordinator will ensure that report numbers, required by JAXPORT Public Safety, are submitted to the Public Safety Manager within a timely manner.
- 6.1.3 JSO reports will not be released to the public.

7. Notifications

- 7.1 The on-scene PSCO shall be responsible for determining if a violation of policy or procedure has been committed and shall review the incident with JAXPORT Public Safety Management to determine if the incident requires immediate action such as denial of access or suspension of access privileges.
- 7.2 The PSCO shall notify the violator whether the action requires his/her attendance at a Security Violation Hearing and issue a Notice of Security Violation Hearing.
- 7.3 Notice of Security Violation Hearing Issuance Procedure
 - 7.3.1 PSCO will determine what the level of the infraction is in accordance with section 3 above.
 - 7.3.2 The PSCO will issue a Violation Notice, and take any additional actions consistent with the offense(s) committed, including, but not limited to, immediately denying access privileges and removing the violator from JAXPORT property
 - 7.3.3 The PSCO will make appropriate notifications and complete an incident report.
 - 7.3.4 The PSCO will forward the Violation Notice to the Access Control Coordinator for data entry in the Violation Notice database.
 - 7.3.5 The Violation Notice will then be filed electronically by the Access Control Coordinator for records retention.
 - 7.3.6 Public Safety & Security will notify employer of employee's Notice of Security Violation
 - 7.3.7 Violator must contact the Access Control Office at 9620 Dave Rawls Boulevard, at (904) 357-3344, e-mail: accesscontrol@jaxport.com *within 10 business days* to schedule a Security Violation Hearing.
- 7.4 The Public Safety Compliance Officer will notify the Access Control Manager, in writing, that a violation has occurred and requires a Security Violation Hearing.
 - 7.4.1 The notification shall include the following information:



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7.4.1.1	Name
7.4.1.2	Address
7.4.1.3	DOB
7.4.1.4	DL #
7.4.1.5	Employer's Name
7.4.1.6	Date and Type of Violation
7.4.1.7	Incident Location
7.4.1.8	Case Number (s)
7.4.1.9	Access status as determined by the Public Safety Compliance Officer

7.5 The Access Control Coordinator shall be responsible for the following:

- 7.5.1 Deactivate the violator's access, if applicable
- 7.5.2 Add the violator to the Denied Access list, if applicable
- 7.5.3 Add the violator to the Trespass Warning list, if applicable
- 7.5.4 Note the violation in the person's permanent record
- 7.5.5 Determine the date and time for the Security Violation Hearing, in compliance with Section 9, and notify the Public Safety Manager(s) and Compliance Officer.
- 7.5.6 Track employee contact within the ten (10) business day timeframe
- 7.5.7 If the violator does not contact the Access Control Manager within ten (10) business days, the violator's access privileges shall be suspended until he/she attends a Security Violation Hearing

8. Administrative Security Violation Hearing

- 8.1 The Public Safety Manager or his designee shall conduct the Security Violation Hearing (SVH).
 - 8.1.1 Security Violations will be held virtually by use of Go to Meeting or Google Meets or Similar Virtual Meeting Platform.



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8.2 In preparation for the Security Violation Hearing, all necessary documentation shall be compiled.

8.2.1 SVH packet may include the following:

8.2.1.1 All incident documentation

8.2.1.2 All digital or recorded information pertaining to the incident

8.2.1.3 Copy of previous disposition(s)

8.2.1.4 Disposition letter

8.2.1.5 Calendar invitation and response by voting hearing attendee members

8.3 Hearing Attendees

8.3.1 Administrative SVH Officer shall be the Public Safety Manager or designee in his/her absence ***

8.3.2 Public Safety Compliance Officer who identified the violation (in their absence another Public Safety Compliance Officer or higher authority shall be assigned) ***

8.3.3 JSO representative, if applicable

8.3.4 EHS officer or Director of Risk Management in EHS officer absence ***

8.3.5 JAXPORT Access Control Coordinator / Administrative assistant or scribe ***

8.3.6 Violator

8.3.7 Violator's representative (optional)

*** Denotes voting member.

8.4 Security Violation Hearing

8.4.1 SVHs shall begin by announcing the following information:

8.4.1.1 Purpose of the Administrative Security Violation Hearing is to review the facts and circumstances pertaining to the incident, which is



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- necessary to determine if the JAXPORT policies and/or procedures have been violated
- 8.4.1.2 Meetings shall be video and audio recorded for quality assurance.
 - 8.4.1.3 Incident reports and any information developed that is related to the incident shall be retained for a minimum of two (2) years, as required by FS 33CFR Part 105.
- 8.5 The Administrative SVH Officer shall conduct the Hearing by providing a review of the facts and circumstances, including the allowance for comments by the assigned PUBLIC SAFETY COMPLIANCE OFFICER, or JSO (as applicable). Depending on the review of the facts related to the incident, the violation can be elevated after the initial violation notice is written based on supporting evidence by the Security Violation Hearing Committee.
- 8.6 The violator shall be offered an appropriate amount of time (not to exceed 15 minutes) to provide explanation or a rebuttal of the violation.
- 8.7 Upon conclusion of comments, the JAXPORT SVH members shall convene, outside the presence of the violator, to determine the final disposition of the case.
- 8.8 The voting members of the hearing, per section 8.3 above, will have their votes recorded by the scribe, including any comments/findings, and shall reach majority decision.
- 8.9 The violator shall be informed of the JAXPORT SVH members' findings, and he/she shall be provided a copy of the final disposition of the hearing.
- 8.10 All records pertaining to the incident and the hearing shall be filed electronically and maintained in the Records Room at the JAXPORT Security Operations Center, by the Security Operations Coordinator.
- 8.11 Decisions made by the Security Violation Hearing panel constitute the **FINAL** action of Jacksonville Port Authority, regarding the violation.

9. Time Requirements

- 9.1 Upon receipt of a Notice of Security Violation, the violator must contact the Access Control Office at 9620 Dave Rawls Boulevard, at (904) 357-3344, e-mail: accesscontrol@jaxport.com *within 10 business days* to schedule a Security Violation Hearing.
- 9.2 Security Violation Hearings will be scheduled weekly, on Wednesdays 10:00-11:00.
- 9.3 Once the violator has requested a Security Violation Hearing, Access Control Office must schedule a hearing in the following time-frames:



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- 9.3.1 If the violator's access privileges are suspended immediately, the violator may request an expedited hearing. Pending staff availability, a special hearing will be held outside of the scheduled weekly Security Violation Hearing, at the discretion of the Administrative SVH Officer.
- 9.3.2 If the violator's access privileges are not suspended immediately, Access Control has 5 days upon contact by the violator, to schedule a Security Violation Hearing.
- 9.4 JAXPORT has no duty to unilaterally schedule a Security Violation Hearing for a violator. It is incumbent on the violator to contact Access Control to set a Security Violation Hearing.
- 9.5 Failure of JAXPORT to set a Security Violation Hearing within the above timeframes is not grounds for the security violations to be dropped or dismissed.

10. JAXPORT Employees

- 10.1 JAXPORT employees in violation of any security regulation will have a Violation Notice issued immediately, however any other additional penalties including suspension of their access privileges, or removal from the premise will be determined following the submittal of recommendations by the Director of Public Safety to Human Resources, and their consultation with the effected Department Head. If immediate remedial action is required given the circumstances of the incident, it will be with the approval of the Director of Public Safety.

11. Law Enforcement Actions

- 11.1 JAXPORT Security Violations Hearings are separate from any Local, State, or Federal agencies actions taken from the same incident.

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