


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

	TITLE Disciplinary System and Investigative Process		ACCREDITATION CALEA Chapters: 26.1.4(a-c); 26.2.1; 26.2.2; 26.2.4; 26.3.3, 26.3.5
	PROponent UNIT Internal Affairs Division		PRIOR REVISIONS 03/31/16; 05/08/2020, 05/21/20,12/27/21, 01/10/24 ATTACHMENT:
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I. PURPOSE: This Order establishes a disciplinary system, to include complaint review and investigative processes. A majority of the protections provided by this policy are only applicable to sworn members based upon contractual and applicable state law (FSS 112). Non-sworn employees would not be afforded a majority of these protections, as it is not applicable.

II. POLICY: The Gainesville Police Department shall institute a fair and effective disciplinary system, the purpose is to improve employee competency, productivity, and effectiveness.

To ensure that members adhere to policies and procedures, the Department shall maintain a system of making inquiries, reporting and investigating complaints, and providing for corrective action, when warranted, in the form of counseling, training, or disciplinary action.

III. DEFINITIONS:

Complaint: An allegation against a Department member detailing circumstances and behaviors regarding a specific act or omission.

Dissatisfaction with a policy, procedure, practice, philosophy, service level, or legal standard of the Department is not a complaint.

Corrective Action: Any action or conduct that encourages, prompts, or compels an individual to adhere to Departmental orders, directives, and procedures. Corrective action may include counseling or training.

Disciplinary Action: Disciplinary action is corrective action taken against an employee that exceeds a written warning.

Minor Infractions: Violations of standards of conduct established by General Order directives that do not also rise to the level of misconduct as determined by City Policy E-3. Minor Infractions are often handled as performance infractions and resolved with corrective action and not discipline.

Major Infractions: Violations of standards of conduct established by General Order directives that also rise to the level of misconduct as determined by City Policy E-3 and Moral Character Violations as defined in Florida Administrative Code 11B-27.0011. Major Infractions often result in discipline.

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Preliminary Inquiry: A process undertaken prior to the initiation of a personnel complaint investigation. Preliminary inquiries are performed at the Bureau level outside of the Internal Affairs Division and do not constitute an investigation under FSS 112.

AIR: Administrative Investigation Referral Form.

IAIR: Internal Affairs Investigative Report.

REDII: Request for Expedited Disposition of Internal Investigation.

Early Warning System (EWS): EWS is a system established to review repeat instances in which an employee is involved in a use-of-force or named in a misconduct complaint so that timely intervention, if warranted, can occur.

Crashes/Incidents: [For definitions related to vehicle crashes/incidents, see General Order 61.7, titled 'Department Vehicle Crash/Incident Investigation Procedures']

Administrative Review: A documented review of the incident or occurrence prepared by or for the Chief of Police or designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed.

Gainesville Police Department: The Gainesville Police Department may be referred to as the "department" or the "agency" and such terms are used throughout this Order interchangeably.

Internal Affairs Division: The Internal Affairs ("IA") Division has the sole authority under FSS 112, unless otherwise specified herein, to oversee the Department's receipt, investigation and determination of complaints received by the Department and implement the procedure for investigating a complaint against a member of the Department for determining whether to proceed with disciplinary action or to file disciplinary charges in accordance with FSS 112. Members of the IA Division are the only members, unless otherwise specified herein, who are authorized by the Department to take receipt of a complaint and initiate an investigation of misconduct under FSS 112.532(6)(a).

IV. AUTHORITY/DUTIES: Except as otherwise provided herein, the Internal Affairs Division, shall be responsible for receiving, monitoring, managing, directing, and conducting (or delegating) misconduct investigations under FSS 112, as well as:

- A. Taking receipt of allegations or complaints received or generated by the Department under FSS 112.
- B. Issuing personnel complaint numbers.
- C. Tracking all personnel complaint investigations and maintaining related files.
- D. Entering data of all disciplinary matters.

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- E. Reviewing records and monitoring determinations of no misconduct and preliminary inquiries conducted by the Bureaus, and report on same to the Chief of Police or designee.
- F. Regularly informing the Chief of Police regarding complaints lodged against Department members.
 - 1. Routine notifications will occur in weekly meetings between the Internal Affairs Investigators, and the Chief of Police or designee.
 - 2. Any member of the Internal Affairs Division has the authority to report directly to the Chief of Police or his/her designee, should the subject of the allegation be a member of command staff or Internal Affairs. [CALEA 26.2.3]
 - 3. When the Chief determines it is in the best interest of the agency, the Police Chief, in his or her sole discretion, may engage an independent investigator to investigate allegations of misconduct against sworn personnel. The independent investigator shall report directly to the Police Chief and may seek legal advice from the City Attorney's Office. The independent investigator shall conduct investigations in accordance with the Police Officers' Bill of Rights, Florida Statute Sections 112.531- 534, any applicable collective bargaining agreement and City Human Resources Policies instead of this General Order 26.5, which governs investigations conducted by Internal Affairs and/or at the bureau level. [CALEA 26.2.3]

V. GENERAL GUIDELINES:

- A. **Administrative Review:** The Chief of Police or designee will ensure an Administrative Review is conducted on all instances where a member's actions result in death, or serious bodily injury. This review should include policy, training, equipment, and any disciplinary issues. The report will indicate the member's duty status (e.g. Administrative leave or assignment) pending the outcome of an investigation. A report will be prepared for the Chief of Police or designee.
- B. **Complaint Brochures:** The Internal Affairs Division will construct and revise, as needed, brochures for the general public that explain the complaint process. The brochures will outline how to file a complaint regarding the Department and/or its members, and what to expect from the process. The brochures should also include the Department's website address and encourage positive feedback as well.

Internal Affairs personnel will ensure the brochures are available to citizens and Department members via the Department lobby, via pertinent City offices (when applicable), and by other methods, as needed. [CALEA 26.2.4]

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- C. Law Enforcement Officer's Rights: All administrative investigations against sworn officers will be received and completed by the IA Division in accordance with the guidelines set forth in F.S.S. 112.532, and any applicable sections of the relevant bargaining unit agreements and/or this Order.
- D. Duty to Comply/Cooperate: Department members must answer fully and truthfully all questions pursuant to an administrative investigation specifically and directly related to the performance of official duties and/or fitness for duty.
Any information or evidence gained by reason of such statements cannot be used against the Department member in any subsequent criminal proceedings, except for charges of perjury and/or obstruction of justice.
- E. Administrative Deadlines: [CALEA 26.3.3]
1. Classification of Cases: For the purpose of establishing time constraints, all administrative investigations will be classified by the Internal Affairs Commander as either minor or major.
 2. Time Periods: Time periods for the completion of investigations involving Minor and Major Violations for employees will be based on their applicable contract. Time periods will start when an allegation or complaint is received by the Internal Affairs Division.
 3. Extensions: If reasonable grounds exist to extend the investigation, the Internal Affairs Commander shall notify, in writing, the individual under investigation of the extension, and the reason for it. Extensions shall be based on the applicable contract for the employee. Per FSS 112.532, the investigation must be completed within 180 days after the date the Internal Affairs Division receives an allegation or complaint (refer to FSS 112.532 for exceptions) for sworn members. Timelines for employees not covered by a contract will also be completed as quickly as possible.
- F. Preliminary Sanctions: One or more of the following actions may be taken concerning employees who are, or who may become, the subject of an investigation.
1. Emergency Suspensions: Bureau, Division, and Shift/Sector Commanders have the authority to impose an emergency suspension with pay until the next business day (or longer if the suspension falls on a weekend or holiday) against a member when it appears that such action is in the best interest of the Department. [CALEA 26.3.7]

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- i. Suspended members shall have no police authority while on suspension and shall be required to submit the departmental police badges, identification, issued weapons, and vehicle (if issued) to the suspending commander/designee.
- ii. The suspending commander shall document emergency suspensions.
 - a. The original will be forwarded to the Office of the Chief.
 - b. A copy will be provided to the suspended member and the Human Resources Director.
- iii. The suspended member shall be contacted by the Internal Affairs Commander on the next business day to advise the employee as to the status of the suspension, length, temporary assignment etc.
- iv. A member who has been suspended shall have the opportunity to meet with the Internal Affairs Commander regarding the emergency suspension on the next business day. The suspended member must make the request for this meeting to the Internal Affairs Commander.
 - a. The suspended member may bring an attorney or representative to the meeting.
 - b. After this meeting, the Internal Affairs Commander will meet with the Chief to discuss the suspended member's version of the facts surrounding the incident.
- v. The Chief of Police shall make a decision whether to terminate the suspension or place the member on Administrative Leave or Duty.

2. Administrative Leave or Duty: The Chief of Police may place an employee on administrative duty, or relieve an employee from duty with pay, during an investigation when:

- i. Evaluating physical or psychological fitness for duty (SEE GO 22.8),
- ii. Investigating an allegation of a criminal nature,
- iii. Investigating an allegation of a policy violation for which dismissal is a penalty. [CALEA 26.3.7]

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G. Criminal Incidents: Complaints that allege criminal violations will be reviewed with the State Attorney for consideration of criminal charges.

1. Concurrent Investigations: When an allegation of misconduct is criminal, the criminal and administrative investigations shall be separate.

i. Criminal Investigation: The scope will be limited to the criminal aspects of the investigation and will take precedence over the administrative investigation.

ii. Administrative Investigation: The scope will be limited to violations of City policies and/or Department policies/rules, and will commence at a time designated by the Chief of Police.

2. Arrests: If a Department member is arrested or is the subject of an arrest warrant, it is the responsibility of the Department member who initiates (or learns of) the warrant or arrest to immediately notify their Bureau Commander.

The Bureau Commander shall:

i. Verify and gather relevant information if the incident is not being investigated by GPD.

ii. Notify and provide pertinent details to the Chief of Police and the Internal Affairs Commander as soon as possible. [CALEA26.3.2]

iii. Ensure that a personnel complaint in the form of an A.I.R. Form is completed and forwarded to the Internal Affairs Division as a result of the alleged misconduct which resulted in the arrest/warrant.

3. Rights: Any member subject to a criminal investigation shall be afforded all applicable constitutional rights.

4. Superseding Investigation: When an administrative investigation uncovers possible criminal activity on the part of a Department employee, the administrative investigation will be tolled (suspended) until the Internal Affairs Commander consults with the Chief and the State Attorney.

H. Obtaining Evidence from Members: One or more of the following investigative actions may be taken when such actions helps reveal the truth or provides an indication as to whether or not a member is fit for duty. Actions taken must be relevant to the investigation. Investigating members shall consult with the Internal Affairs Division for direction when considering any of these actions.

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1. Medical or Laboratory Examinations: Members may be required to submit to medical examinations*, including drug and alcohol testing, when reasonable suspicion exists to believe that the member may not be fit for duty.

Note: Other mandatory testing may be specified in the relevant collective bargaining unit's Drug-Free Workplace Plan; however, for the purposes of this section, such testing must relate to the present investigation. [CALEA 26.3.6.a]

2. Photographs: Members may be required to submit to having their photographs taken. [CALEA 26.3.6.b]

3. Audio or Video Recordings: Members may be required to submit to being audio or video recorded as part of an internal investigation. [CALEA 26.3.6.c]

4. Lineups: The departmental photographs of members may be used in a photo lineup. This will generally occur for identification and/or elimination purposes. [CALEA 26.3.6.d]

5. Financial Disclosure: Members may be required, at City expense, to disclose personal financial information and statements, subject to prevailing legal requirements. [CALEA 26.3.6.e]

6. Deception Instruments: Members may be offered the opportunity to submit to polygraph tests; however, any test will be voluntary and in accordance with accepted testing practice. [CALEA 26.3.6.f]

I. Procedures:

1. Off-Site Complaint Filing Option: Complaints are usually filed at the Police Department. Additionally, if requested, Internal Affairs may mail the citizen complaint form or it may be delivered directly if the citizen prefers to file the complaint off site. Complaints can also be filed at the City of Gainesville's Equal Opportunity Department. This process does not imply that the purview of the Equal Opportunity Department and the nature of any complaint made regarding the Gainesville Police Department overlap.

i. Authorized Complaint Recipient: The Equal Opportunity Department Director or designee is an authorized recipient of citizens' complaints.

ii. Complaint Process: When a citizen contacts the Equal Opportunity Department to file the complaint, they will receive a Citizen Complaint form and an instructional brochure outlining the Internal Affairs process and what to expect.

a. The citizen will submit the completed form directly to the Equal Opportunity Department Director for processing.

b. The Equal Opportunity Department Director will:

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- 1). Log the complaint on the Equal Opportunity Department Internal Affairs Complaint Receipt Log, which they will keep for listing all complaints received and their dispositions;
- 2). The Director shall keep the Equal Opportunity Department Internal Affairs Log securely controlled.
- 3). Contact the Internal Affairs Division so that the form may be collected.
- 4). Keep secure and confidential all completed complaint forms while in their possession.

c. Internal Affairs personnel will then thoroughly review and process the complaint as though it were received in the Internal Affairs Division.

d. Keep secure and confidential all completed complaint forms while in their possession.

e. Internal Affairs personnel will then thoroughly review and process the complaint as though it were received in the Internal Affairs Division.

f. Once Internal Affairs personnel complete their review, they will either direct that an investigation be initiated or complete an Administrative review. Internal Affairs shall respond to the complainant in writing as to the outcome of the review.

g. If a complainant is to be interviewed in person, and chooses not to visit the Police Department offices, the Internal Affairs investigator shall arrange to conduct the interview in the Equal Opportunity Department or other location at the discretion and convenience of the complainant.

iii. Process Tracking and Reporting:

a. Complaint Action: The action taken regarding the complaint shall be communicated to the Equal Opportunity Director so that they may follow-up with the complainant and report the status of the complaint.

b. Complaint Disposition: If an investigation is conducted, the Chief of Police will render a decision at the conclusion of the investigation, and Internal Affairs personnel will:

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- 1). Forward a letter to the complainant with the disposition. [CALEA 26.3.4.c]
- 2). Notify the Equal Opportunity Department of the results.

iv. The Equal Opportunity Department will record the disposition in the Complaint Receipt Log.

v. Complainant Follow-up: The Equal Opportunity Department will contact the complainant for a follow-up interview to review the outcome and to assist the complainant if further information is needed.

2. Initiating a Complaint Received at the Department: [CALEA 26.2.1]

i. External Complaint: Any Department member who receives a complaint against a member from a citizen or other source outside the Department shall immediately refer the complainant to an on duty supervisor (defined as a sergeant or above), who shall proceed as described below.

ii. Verbal Complaints: Supervisors may receive and process verbal complaints following the procedures outlined under 'Anonymous Complainants'. [CALEA 26.3.1.a]

iii. Written Complaints: Will be forwarded to Internal Affairs. [CALEA 26.3.1.b]

iv. Internal Complaints: Any Department employee who has reason to believe that a Department member has violated any policy, procedure, or rules of conduct (whether on or off duty) shall immediately notify their supervisor or any member of the Internal Affairs Division, either verbally or in writing. [CALEA 26.3.1.a/b] If the Internal Affairs Division is notified verbally, the Internal Affairs Division shall reduce the complaint to writing and documenting the date of receipt.

v. If a complaint involves the use of deadly force or the arrest of a sworn Department member, the Internal Affairs Commander shall be notified immediately to make a determination on how to handle the complaint. [CALEA 26.3.1.b]

vi. Any member of Internal Affairs shall bring to the attention to the Chief of Police or designee any items of immediate concern. [CALEA 26.3.2]

3. Categorizing, Processing and Reviewing Complaints: [CALEA 26.2.1]

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i. Anonymous Complaints: Anonymous complaints shall be investigated only verbally and preliminarily by a supervisor, unless and until some corroborating evidence is found. Whoever received the complaint shall ensure that an inquiry is completed to determine the validity of the allegation.

Generally, no action will be taken on anonymous complaints unless:

- a. The person is willing to submit a signed, written statement.
- b. The allegation, if sustained, would constitute criminal misconduct.
- c. There is independent evidence available, such as Department records, which may be used to corroborate the charge.
- d. All anonymous complaints will be documented via IA ProBlue Team.

ii. Unsigned Complaints: Written complaints that are unsigned will be returned to the complainant to be signed. If no signature can be obtained, a preliminary investigation will ensue to determine if there is any corroborating evidence. If evidence of misconduct is present, the complaint will be investigated according to standard procedure. If there is no evidence present, the complaint will be documented in the form of an Inter-Office Communication to the Internal Affairs Commander.

iii. Chronic Complainants: A person who has filed three or more unfounded or not sustained complaints within two years is considered a chronic complainant.

Chronic complaints will be processed in accordance with the following procedure:

- a. Internal Affairs will conduct a preliminary investigation.
- b. At the conclusion of the preliminary investigation, the Internal Affairs Commander will determine whether to classify the complaint as:
 - 1). Valid
 - 2). Non-Credible
- c. Valid complaints will be handled in accordance with normal Internal Affairs personnel complaint procedure.

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d. Chronic complainants will be classified as such for two years from the receipt of the fourth complaint, and related records shall be stored in a separate file under the complainant's name.

4. Counseling/ Training Incidents: Counseling/ Training Incidents are identified by a supervisor and do not involve a third-party complainant. Time periods indicated in this subsection are considered rolling unless otherwise specified.

i. Examples of Counseling/ Training Incidents: May include, but are not limited to:

a. Failure to wear proper uniform when required.

b. Unsatisfactory appearance (body odor, unshaven, hair).

c. Failure to carry and maintain official equipment as required by the Department.

d. Failure to maintain firearm in clean and good working order.

e. Failure to advise the Department in writing within ten (10) days of a change of address and/or telephone number.

f. Failure to maintain a telephone as required by Department policy.

ii. Counseling Training Sessions: Counseling Training Sessions will be:

a. Documented by the supervisor in IA Pro Blue Team.

b. Handled by the member's immediate supervisor in a timely fashion, and

c. Forwarded to the Bureau/Unit Commander for approval.

5. Minor Offenses: For the purposes of determining corrective/disciplinary action, the following are considered minor offenses:

i. Three or more counseling/training sessions in a running twelve-month period,

ii. Failure to report back in service immediately after completing an assignment.

iii. Failure to provide prompt, courteous service to the general public and Department members.

iv. Inefficiency in job performance.

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- v. Rudeness towards other City employees, the public or persons in custody.
- vi. Three (3) occurrences of damage or loss of Department property (excluding weapons) valued at less than \$1000 by the Department through other than negligence
- vii. All Inter-Office Communications (IOCs) to supervisors regarding lost or damaged property shall be attached to the IA PRO Blue Team entry and it shall be retained without action until such time as a Corrective Action is warranted.
- viii. Damage or Loss of Department property valued at less than \$1000 through negligence or the loss of an item specifically for use as a weapon (expandable baton, chemical weapon) excluding a firearm or Taser (See Major offenses below)
- ix. Driving complaints that do not rise to the level of a Safety Rule Violation.
- x. Deficiencies in reports.
- xi. Failure to appear for a quasi-judicial (e.g., deposition) or non-criminal judicial proceeding (e.g., traffic courts).
- xii. Failure to attend training.
- xiii. Carrying or wearing non-issued or unauthorized equipment.

6. Major Offenses: The offenses listed in City of Gainesville Policy E-3 are considered major offenses, and the standards of discipline are indicated for each individual violation noted (see GO 26.1).

- i. A major vehicle crash / incident as defined in General Order 61.7.
- ii. Failure to appear at a quasi-judicial or non-criminal judicial proceeding more than twice in any twelve-month period.
- iii. Failure to appear for a criminal judicial proceeding.
- iv. Absence without approved leave or failure to report for duty.
- v. Tardiness three (3) times in a 30-day period (City Policy 19 – Rule 11).
- vi. Damage of Department property valued at \$1000 or more through negligence or the loss of a firearm, Taser or other Department property valued at \$1000 or more.
- vii. Untruthfulness or Providing a False Statements

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viii. Any Moral Character violation as defined in Florida Administrative Code 11B-27.0011.

7. Vehicle Crashes / Incidents: Department vehicle crashes/incidents will be investigated, categorized and disposed of in accordance with the provisions of General Order 61.7, and any relevant investigative provisions of this directive.

8. Preliminary Inquiry:

i. Misconduct: When an allegation appears to constitute misconduct, the supervisor shall conduct a preliminary inquiry and, when appropriate, either resolve the matter at this stage or initiate a personnel complaint investigation.

a. Supervisors are encouraged to handle minor, non-recurring misconduct on a bureau level. IA should be consulted to ensure consistency and then a Blue Team entry completed.

b. All preliminary inquiries with potential misconduct handled at this level which would not meet the above criteria will be documented on an A.I.R. and forwarded to InternalAffairs.

ii. No Misconduct: When an allegation does not constitute misconduct, the supervisor shall explain the related Department policy or procedure to the complainant and attempt to resolve the matter to the complainant's satisfaction, if possible.

iii. Supervisors will document their contacts with the complainant and their determinations regarding the complaint in the Blue Team. If the results would be potential misconduct Internal Affairs should be forwarded an A.I.R.

9. Preliminary Findings: Preliminary inquiries will be concluded when they are either resolved or unresolved at the initiating level.

i. Resolved: Complaints alleging misconduct of a minor nature may be considered resolved only after a complete inquiry has been conducted, and ALL of the following have been accomplished:

a. The recommended disposition has been reviewed by the assigned Bureau Commander prior to being finalized, and a determination of one of the following is approved:

1). Misconduct: Recommended action does not exceed a written warning.

2). No Misconduct: The allegation is determined to not constitute misconduct.

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Note, in some cases, the Bureau Commander may want to consult with the Internal Affairs Commander, and/or the Chief of Police or Designee before issuing a written warning. However, in cases where clear action is warranted (missed court, minor crash, etc.), the written warning may be issued to the officer prior to obtaining signed authorization from the Internal Affairs Commander or the Chief of Police.

b. Copies of all documentation and corrective action have been forwarded to Internal Affairs via chain-of-command,

ii. Not Resolved/Referred: A preliminary inquiry will be considered not resolved and shall be referred to Internal Affairs as a personnel complaint via an A.I.R. or Blue Team, along with all supporting documentation when:

a. The allegation is serious or criminal in nature, and/or

b. If the allegation is sustained, it is anticipated that the action taken against the employee will exceed a written warning, or

c. Information has been received which indicates an Internal Affairs investigation is warranted.

10. Case Assignment: If the complaint is unresolved at the preliminary inquiry phase, the Internal Affairs Commander shall review and assign the case to either the member's supervising bureau or to an Internal Affairs investigator. Case assignment decisions will be predicated on the seriousness and complexity of the case, along with the accused member's disciplinary history, and under the following guidelines:

i. Line Supervisors: May be assigned preliminary inquiries and investigations of minor violations that may result in the issuance of corrective action, up to and including a written warning. To ensure consistency lieutenants will primarily be assigned the cases but any bureau commander will have the discretion to assign the case as they deem appropriate based on their respective bureau.

Examples include, but are not limited to, cases of rudeness, speeding, missing quasi-judicial court proceedings, and tardiness.

ii. Bureau/Unit/Shift Commanders/Civilian Managers: May be assigned preliminary inquiries, and cases classified as minor that may result in the issuance of corrective action up to and including an employee notice without suspension, demotion, or termination.

Examples include, but are not limited to, minor cases of conduct unbecoming, and second offenses for minor violations.

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iii. Internal Affairs Investigators: May handle preliminary inquiries, cases classified as minor in nature that result in the issuance of an Internal Affairs tracking number, and any case classified as major that may result in suspension, demotion, or termination.

Examples include, but are not limited to, violations of City Policy E-3, excessive force, shootings, and domestic violence cases.

Exceptions: The exception to the above would be cases involving civilian employees. Those will primarily be handled by their direct supervisors consulting human resources for direction and assistance.

11. Notifications Regarding Investigations/Investigative Status:

i. Complainant: Internal Affairs personnel shall inform the complainant (citizen, Department member, etc.) about the status of each complaint, specifically:

a. Verifying that the complaint has been received and is being investigated, or that an inquiry is, or has been made. If and when applicable, a Personnel Complaint Acknowledgment Letter and an informative brochure will be mailed/ provided to the complainant. [CALEA 26.3.4.a]

b. Periodically notifying the complainant, as well as the subject member, of the status of the inquiry or investigation. [CALEA 26.3.4.b]

c. Notifying the complainant of the results of the inquiry or investigation.

d. Results of investigations will be provided in writing. [CALEA 26.3.4.c]

ii. Members: Prior to being interviewed, members under investigation shall be informed in writing of:

a. The nature of the investigation and names of all complainants.

b. Their rights under Florida State Statute 112.532 and their responsibilities regarding the investigation. [CALEA 26.3.5]

12. Request for Expedited Disposition of Internal Investigation: The Request for Expedited Disposition of Internal Investigation (REDII) is a process requested by employees who do not contest the pertinent facts of an allegation of employee misconduct. The process is designed to significantly reduce the length of time it takes to complete an investigation.

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i. Eligibility: Any allegations excepting those that could result in the employee's demotion or termination or would be a Moral Character Violation as defined in FAC 11B-27.0011.

ii. Initiating Request: An employee may request this process after an

A.I.R. form has been completed by a complainant or a citizen complaint form has been received by Internal Affairs and prior to the interview of the accused employee.

iii. Required Forms: Include the completed REDII form (be sure to follow all instructions on the REDII form), REDII informational sheet, a signed Law Enforcement Officer's Bill of Rights form, Garrity Form, and a signed Admonition for Member Under Investigation form.

a. If the REDII request is accepted, members may obtain a copy of the applicable forms from the GPD Intranet, Internal Affairs Forms Section.

iv. Acceptance and Approval Required: The requesting employee shall submit the signed REDII form to Internal Affairs within seven (7) calendar days of the notification and the employee's request for a REDII process. The REDII form must be accepted and approved by the member's Bureau Commander, Internal Affairs Commander, the Chief Inspector and authorized by the Chief of Police.

v. Conducting the Investigation: The investigation will be conducted as any other Internal Affairs obtaining necessary evidence and witness statements to substantiate a violation. The exception is that by participating in the process the accused member's is not contesting the pertinent facts and is accepting the agreed upon discipline negating the need for a subject interview.

vi. The discipline will be decided by the Chief of Police or designee.

13. Investigative Findings and Recommendations:

i. Investigator's Report: Upon completing a personnel complaint investigation, the investigator shall document the investigation on the appropriate form that provides a summary of the investigation. The investigative report shall provide:

a. A brief explanation of how the investigator received the complaint, the nature of the complaint and the identification of the rules of conduct that may have been violated;

b. The name of officers involved and a synopsis of testimony;

c. The name of witnesses and synopsis of testimony;

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d. Supporting documentation, such as Police reports, photographs, computer records, videotapes, and taped radio transmissions.

e. The IA commander in collaboration with City H/R and the Internal Affairs investigator shall recommend one of the below findings. This shall be limited to one of the following [CALEA 26.3.8]

1). Not Involved: Investigation established that the member who was subject of the complaint was not involved in an alleged incident.

2). Unfounded: Investigation revealed that the alleged acts did not occur.

3). Exonerated: Investigation revealed that the alleged act occurred but the member's actions were justified and reasonable. An explanation must be provided to support the violation of the policy and/or procedure.

4). Not Sustained: Investigation failed to disclose sufficient information to clearly prove or disprove the allegation.

5). Sustained: Investigation disclosed that the alleged acts occurred and that the acts constituted misconduct.

6). Policy Failure: The allegations are true. The action of the employee was consistent with Department policy but the policy itself was incorrect or deficient. A training review will be conducted, if needed

f. When considering recommending discipline it will be in accordance with City Policy E-3. The Chief of Police or Designee shall consider, at a minimum, the following:

1). Severity and circumstances of the violation,

2). Disciplinary history of the Department member,

3). Employment history of the Department member including but not limited to training, years of service, current status, rank and classification of the Department member,

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- 4). Recommended guidelines set forth in the Department manual and City Policy E-3,
- 5). Action taken under the current administration in similar situations,
- 6). Mitigating or aggravating circumstances, if present.

g. The respective Bureau Commander will sign the final Internal Affairs Investigative Report.

ii. Disposition Follow-Up and Review: (Note: For the purposes of this section, a working day will be defined as any day, Monday through Friday.)

Upon receiving the signed report from the Chief of Police, the Internal Affairs Division shall manage and house the file in accordance with the State's Public Records Retention Laws/Schedule.

iii. Confidentiality:

- a. Upon receipt of a complaint filed against an officer, the complaint and all information obtained pursuant to the investigation by the department will be maintained as confidential pursuant to FSS 112.533;
- b. The Agency may disclose communications with respect to a complaint and its related investigation to intradepartmental employees who actively participate in the investigatory process and supervisory personnel on a need to know basis;
- c. The Agency may disclose communications with respect to a complaint and its related investigation to the City Manager in their current capacity which includes the City Manager acting as the head of the administrative branch of the City, the Chief of Police serving at the will of the City Manager and the City Manager having the authority to cause an investigation into the affairs of the department or any officer or employee of the department.
- d. All persons authorized to accept confidential information must maintain the confidentiality of the information pursuant to FSS 112.533.

14. Forms of Corrective Action: As a means to enable members to perform their duties effectively and efficiently, the Department provides a system to counsel or training to members who have been identified as having specific deficiencies or committing acts of misconduct. Before a supervisor or acting supervisor issues any corrective action of any kind, a supervisor shall notify their chain of command and then approval must be sought from the Internal Affairs Commander prior to issuing any corrective action.

i. Counseling and Training: [CALEA 26.1.4.a/b]

a. Purpose: Viewed as positive (not punitive) and educational, the purpose of which are to improve skills and increase the ability to understand policies and properly follow procedures.

b. Eligibility for Use: May be provided when an investigation reveals that a member needs improved knowledge or skill in a specific area to enhance policy compliance.

c. Implementation: Counseling and training may be conducted by the member's supervisor, Training and Education Division personnel, or any other person or source deemed appropriate.

ii. Written Warning: A Written Warning is a corrective action, and is not considered a first offense for the purpose of progressive disciplinary action.

15. Disciplinary Action: As a means to compel members to perform their duties in accordance with Department policies and procedures, the Department has adopted a system that uses punitive action as a function of discipline. Disciplinary action is documented on Employee Notices and is commensurate with the level of misconduct determined by the investigation as follows. [CALEA 26.1.4.c]

i. Written Instruction and Cautioning: A Written Instruction and Cautioning in the form of an Employee Notice may be accompanied by any one, or more, of the following sanctions:

a. Probation

b. Forfeiture of Annual Leave Hours

c. Suspension: As a consequence of a sustained finding, a member may be suspended without pay for a length of time based on the criteria used to determine punitive action.

ii. Suspension: It is the responsibility of the Bureau Commander/designee to ensure that the affected employee is:

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- a. Notified orally or in writing of the accusations/charges against the employee and the factual basis thereof prior to the effectiveness of the suspension, and
- b. Work with employee to develop the dates and times the suspension is to be served, and
- c. Advised of the limits of the member's police authority while serving the suspension.
- d. Once it is determined that the suspension will be imposed, a pre-disciplinary hearing will occur with the Chief of Police or designee to provide the department member facing discipline to provide any information deemed pertinent to the department members that may impact the final determination of that discipline. This is commonly referred to as the Bill of Rights Conference (BORC).
- e. After the Department member has been given an opportunity to be heard by the Chief of Police or designee, the suggested discipline may be imposed, the Chief of Police or designee may modify the recommended discipline or the matter may be referred back to Internal Affairs.

iii. Requirements of Members under Suspension:

- a. While on suspension, members will have no police authority, and
- b. Will be required to submit to their Bureau Commander/designee the departmental police badge(s), identification, issued weapons, and issued police vehicle (if applicable).

It will be the responsibility of the Bureau Commander to properly secure and store all surrendered departmental property.

- c. Will be required to take suspension hours consecutively unless the Bureau Commander authorizes an alternative arrangement.

The Chief of Police or designee will determine if members serving more than one suspension, the suspensions are to be consecutive or concurrent.

- d. Are prohibited from working any type of overtime assignment during the pay period they are on suspension. (Note: A pay period shall be defined as fourteen (14) consecutive days, Monday through Sunday as defined by the Department timekeeper.) Should this be altered or evaluated for personnel on the 28 day work cycle.

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iv. Demotion: Prior to the proposed demotion, the employee shall be given written notice of the reasons for the demotion as well as further,

v. opportunity to rebut said reasons before the Chief of Police in the pre-disciplinary hearing.

After the Department member has been given an opportunity to be heard by the Chief of Police or designee, the suggested discipline may be imposed, the Chief or designee may modify the recommended discipline or the matter may be referred back to Internal Affairs.

vi. Termination: When a Department member's employment is terminated, the Chief of Police/designee will ensure that:

a. Prior to the proposed termination, the employee shall be suspended without pay pending the outcome of an informal conference with the Chief of Police, and

b. Concurrently or immediately thereafter provide the affected employee with a written notice, in the form of an Employee Notice, of the reasons for the proposed termination, either by hand delivery or by registered U.S. Mail. [CALEA 26.1.7.a]

c. Such notice shall also specify a time, no sooner than two (2) working days nor later than five (5) working days, following the employee's receipt of such notice, for an informal conference to be held before the Chief of Police to afford the employee an opportunity to rebut charges made against the employee or offer mitigation as to the proposed discipline.

The employee will also be allowed to respond in writing to the Chief of Police and to bring a representative of their choosing to the meeting.

d. After the conclusion of the informal conference, the Chief of Police will take such action as deemed appropriate.

e. If the Chief of Police approved the termination, the Internal Affairs Commander will ensure that the affected employee is provided with:

1). The effective date of the termination. [CALEA 26.1.7.b]

2). Notification to contact Human Resources to determine the status of fringe/retirement/termination benefits [CALEA 26.1.7.c]

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16. Notification to Department Members: The Department member will be promptly notified in writing of the results of the investigation and any corrective action to be taken.

Time Limit: Notices imposing written instruction and cautioning and disciplinary actions involving discharge, demotion, suspension or probation should be issued within twenty days from the time that the Chief becomes informed of the findings of the investigation.

This limitation shall not apply if the Chief determines that extenuating circumstances exist.

17. Grievance: Any type of punitive action issued via a Written Instruction and Cautioning may be challenged through the grievance process. (See Grievance Procedures G.O. 25.1 and applicable bargaining unit agreements/City policy) [CALEA 26.1.6]

18. Complaint Review Board pursuant to FSS 112. 532 (2):

i. Eligibility: Sworn law enforcement personnel (except the Chief of Police) in permanent employment status and who are not members of a collective bargaining unit have the right to a Complaint Review Board under the following stipulations:

- a. A complaint made by persons outside the Department has been investigated to the extent that the individual conducting the investigation finds a basis to recommend disciplinary action.
- b. The Department member who is the subject of the complaint has been notified in writing of the disciplinary action to be taken against them.

ii. Composition:

- a. The Chief of Police will select two members of the board.
- b. The Department member will select two members of the board.
- c. The selected four members will collectively select the fifth member.
- d. Members of the board will be law enforcement officers employed by any city within Alachua County, the Alachua County Sheriff's Office, or any state law enforcement agency where the officer is stationed in Alachua County.
- e. No member of the board will be of a lesser rank than the accused.
- f. No member of the board shall be or have been a party to the investigation of the complaint.

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iii. Conditions of Operation:

- a. The Complaint Review Board will be convened before the Chief of Police takes or imposes any punitive action.
- b. The board will select a chairperson.
- c. The chairperson is responsible for:
 - 1). Conducting the proceedings in a fair and equitable manner.
 - 2). Ruling upon evidentiary or procedural matters.
 - 3). Compiling report of findings of the board.
 - 4). Submitting final report to the Chief of Police.
- d. The Complaint Review Board hearing is considered administrative and is not bound by strict rules of evidence prevailing in the courts of law or equity in the State of Florida.
- e. Hearsay evidence is admissible, but should not provide the only evidence upon which to substantiate a complaint.
- f. The board is within the purview of and subject to the provisions of the Sunshine Law, and all its meetings and proceedings must be open to the public at all times.

iv. Recommendations:

- a. The chairperson will submit the final report to the Chief of Police.
- b. If the findings of the board sustain the charges in the complaint, the findings will include a recommendation of disciplinary action.
- c. Neither the findings nor the recommendation of disciplinary action shall be binding upon the Chief of Police.

J. Early Warning System (E.W.S) Procedures: See GO 26.6 Employee Early Warning System.

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K. Internal Affairs Statistical Summary: [CALEA 26.2.5] The Internal Affairs Division shall compile an annual statistical summary of the preliminary inquiries and personnel complaint investigations conducted by the Department, which, upon request, shall be made available to the public and Department employees. The summary shall contain information pertaining to the number of:

1. Internal and external complaints,
2. Findings per each classification (e.g., sustained, not-sustained, exonerated),
3. Written warnings,
4. Written instruction and cautioning,
5. Suspensions,
6. Terminations,
7. Resignations,
8. Demotions,
9. Vehicle crashes / incidents,
10. Grievances,
11. Civil suits,
12. Firearm discharges (accidental and intentional).

L. Records Maintenance: [CALEA 26.1.8 and 26.2.2] The Internal Affairs Division shall:

1. Records: Keep secure all records of personnel complaints, investigations thereof, and associated findings of misconduct allegations lodged against Department members.
2. Reports: Retain statistical and E.W.S. reports.
3. Release of Information: Any Internal Affairs Investigation which is likely to create interest shall be forwarded to the Public Information Officer.
4. Storage: The records of misconduct investigations and inquiries, as well as administrative reports, will be stored in the Internal Affairs Division or in the Internal Affairs Commander's office, as appropriate.

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M. Records Retention: The General Records Schedule for Law Enforcement Agencies is set forth by the State of Florida, Bureau of Archives and Records Management. The portion pertaining to Internal Affairs is on file in that office and available for review.

N. Since the retention schedule may conflict with accreditation requirements for proofs of compliance, the Internal Affairs Commander shall check with the Accreditation Unit to determine which of those reports scheduled for destruction may be needed for accreditation purposes.

By Order of

*Signed Original on File in
the Accreditation Unit*

**Nelson Moya
Acting Chief of Police**