



ADMINISTRATION			201.00	
<div><div>PROFESSIONAL STANDARDS</div></div>				
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PURPOSE

The purpose of this standard operating procedure is to establish guidelines for the prompt and just disposition of complaints made against Punta Gorda Police Department members.

SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

DISCUSSION

Internal investigations, coupled with the subsequent adjudication processes, are the elements required in maintaining the confidence of both the public and members in the administration of internal discipline within the department. Investigations concerning complaints of misconduct are conducted to maintain department integrity, provide for the discipline of members and to protect innocent members. The investigation of such allegations shall be completed swiftly and with fundamental fairness. In all Internal matters, the safety and security of the Department's members as well as the police mission shall remain paramount.

DEFINITIONS

1. **Administrative Leave:** Leave with pay authorized at the discretion of the Chief of Police or designee for particular and extenuating circumstances affecting members of the police department.
2. **Brady Identification System:** A list of identification, in whatever form, of the name or names of law enforcement officers about whom prosecuting agency is in possession of impeachment evidence as defined by court decision, statute, or rule.
3. **Complaint:** An act of expressed dissatisfaction, which relates to department operations, policies, personnel conduct, or unlawful acts.
4. **Formal Discipline:** Disciplinary action intended as punitive, involving demotion, removal from office or specialty assignment, suspension, termination, or other similar action.
5. **Garrity Warning:** The Garrity Rule, or Warning, stems from the court case Garrity v. New Jersey, 385 U.S. 493 (1967). Garrity is a Supreme Court Ruling that states law enforcement officers may be compelled to give statements under threat of discipline or discharge but those statements may not be used in the criminal prosecution of the individual officer. The ruling of the United States Supreme Court in Garrity v. New Jersey, and Gardner v. Broderick are applicable to all employees of the Department. However, [Florida State Statute \(FS\) 112.532 – Law Enforcement Officers’ and Correctional Officers’ Rights](#) applies to only sworn officers.
6. **Immediate Relief of Duty:** Temporary removal of a member from duty status, pending determination of their physical or psychological fitness for duty, or pending the disposition of an internal investigation.
7. **Informal Discipline:** Any disciplinary action intended as instructive or corrective rather than punitive, involving written or verbal reprimands, counseling or other similar action.
8. **Internal Affairs Investigation:** An investigation, conducted by professional standards investigators, of a complaint received by the Punta Gorda Police Department. Internal affairs investigations are undertaken to investigate serious allegations of misconduct that, if sustained, may require notification to C.J.S.T.C. and/or under circumstances that may involve complex or protracted investigative efforts as determined by the Chief of Police or designee.
9. **Law Enforcement and Correctional Officers’ Bill of Rights ([Florida Statute 112.532](#)):** Legislation created to establish conditions for interrogating law enforcement and correctional officers under investigation by the agency for any reason.
10. **Members:** Any employee of the Punta Gorda Police Department.
11. **Misfeasance:** The wrongful performance of a normally lawful act; the wrongful and injurious exercise of lawful authority.

12. **Malfeasance in Office:** The performance by a public official of an act that is legally unjustified, harmful, or contrary to law.
13. **Service-Related Inquiries:** Inquiries from citizens based upon a misunderstanding of the law, established procedures, or investigative techniques or minor allegations of misconduct or procedural violations that do not rise to the level of a formal personnel complaint.
14. **Supervisory Discipline:** Immediate, on-the-spot corrective action by a member's direct supervisor for minor violations of policies, procedures, or regulations (i.e. late to work, uniforms, etc.).

PROCEDURE

I. RESPONSIBILITIES AND AUTHORITY

- A. Responsibilities: The Support Services Division Commander shall be responsible for the Professional Standards function of the police department and shall receive, investigate, and process all formal personnel complaint reports. The Support Services Division Commander may have other personnel trained in internal affairs investigations that function under their overall direction.
 1. Formal personnel complaint reports shall be forwarded to the Professional Standards Section Supervisor without delay. All *Personnel Complaint Reports* shall be logged into I/A Pro. This includes the recording, registering, and controlling of all complaints and investigations of alleged or suspected misconduct within the department. Maintaining confidentiality of professional standards investigations is paramount but nothing in this policy shall prevent the Chief of Police from publicly acknowledging a complaint has been received and is being investigated. All completed professional standards files shall follow the complaint disposition process and be maintained in a secure area.
 2. If a complaint is against the Support Services Division Commander, the complaint will be submitted directly to the Chief of Police. The Chief of Police may assign the investigation to another trained internal affairs investigator. Whenever possible, a subordinate will not investigate a superior officer.
 3. The Support Services Division Commander shall coordinate the department complaint process and report directly to the Chief of Police concerning all matters related to Professional Standards investigations. Personnel complaint reports may be assigned to a Professional Standards investigator as an internal affairs investigation. Supervisors assigned an Internal Affairs Investigation shall keep the Support Services Division Commander apprised of the progress of this assignment.

4. The State Attorney's Office shall be contacted when professional standard investigators involve possible violations of criminal law. This contact may be for notification and/or legal advice or assistance in case preparation.
 5. The Support Services Division Commander, working in cooperation with the Records Unit and/or Public Information Officer, will respond promptly to all requests for public records regarding closed internal investigations.
- B. The Support Services Division Commander has the authority to conduct or assign a Preliminary Assessment of all complaints that are received by the Professional Standards function. The Preliminary Assessment is not a formal investigation concerning the actions of an employee, but involves a preliminary assessment of documents, personnel records, video/audio records, or other relevant material to determine whether to initiate a formal complaint investigation. The Preliminary investigation shall be used to assess all complaints received by the department. At the conclusion of the Preliminary Assessment, the Support Services Division Commander, at the direction of the Chief of Police, will take one of the following actions:
1. Assign the complaint to be investigated as a Service Related Inquiry because the complaint meets the standards as provided in Section II B of this policy.
 2. Assign the complaint to be investigated as a Formal Complaint because the complaint meets the standards as provided in Section II C of this policy.
 3. Prepare and deliver a department memorandum to the Chief of Police, documenting the fact that a Preliminary Assessment of the complaint determined that the allegations presented do not constitute misconduct, misfeasance, malfeasance, or unlawful conduct. Circumstances wherein a Preliminary Assessment may reveal that a Service Related Inquiry or Formal Complaint is not required include, but are not limited to the following:
 - a. The allegation(s) do not include a violation of law, department policies, or procedures.
 - b. The complainant withdraws the complaint and no further investigation is deemed appropriate. (This is applicable only when the allegation(s) do not constitute a criminal violation.)
 - c. There is insufficient information to objectively investigate the allegation(s).
 - d. The alleged conduct relates to a judicial dispute (e.g., the complainant makes the allegation that they were arrested or received a traffic citation for an offense they did not commit).
 - e. Audio or video record indisputably disproves the allegation(s).

4. All complaints received by the department will be logged into I/A Pro with security classification of 2 - Secret.
- C. Responsibilities of All Department Personnel: It shall be the duty of all department personnel to report any violation of laws, ordinances, rules, regulations, policies, procedures, or orders by any other department member.
- D. Authority of Professional Standards Investigators: Professional Standards investigators are to be considered direct representatives of the Chief of Police in all matters of concern to Professional Standards. They will have unimpeded access to all facilities, equipment, records and personnel for the purpose of investigations and will receive full cooperation from all members of the Punta Gorda Police Department.
- E. Authority of Supervisory Personnel
1. All supervisory personnel will perform the duties and assume the obligations of their rank in documenting and investigating complaints or allegations of misconduct against members of the department. Lieutenants who have completed Internal Affairs training may be assigned an Internal Affairs Investigation at the discretion of the Chief of Police.
 2. All supervisory personnel will initiate an investigation, and notify their direct supervisor, when the subject complained of or observed in an infraction, is within the scope of their authority; they will not look to higher authority for the initiation of this action. All complaints handled at the supervisory level shall be forwarded to the Command Staff.

II. RECEIPT AND PROCESSING OF COMPLAINTS: Generally, personnel complaints are based on allegations of misconduct or violations of procedure. A personnel complaint may be filed internally by a department member who wishes to report infractions or violations by another member, or externally by a citizen who complains against a member of the department.

- A. Receiving Personnel Complaints: Complaints shall be accepted from any source provided that the complaint contains sufficient factual information to warrant an investigation. Anonymous complaints will be handled at the discretion of the Chief of Police. Individuals are encouraged to submit their complaints in person in order to obtain as complete a report as soon as possible after the incident. Any person alleging misconduct on the part of a member shall be directed to an on-duty supervisor unless a member of the Professional Standards component is specifically requested. The supervisor shall meet with the complainant to discuss their concerns and explain the complaint process. Complaints are classified as either Service Related Inquiries or Formal Complaints. Formal Complaints will undergo a preliminary assessment to determine whether the allegations presented constitute misconduct, misfeasance, malfeasance, or unlawful conduct. If it is determined that the allegations presented may constitute misconduct, misfeasance, malfeasance, or

unlawful conduct the complaint will be classified by the Chief of Police as an Internal Affairs Investigation. Otherwise, the complaint will be closed out and classified: Preliminary Assessment.

- B. Service Related Inquiries: If the complaint against an employee is so minor in nature that it would not require informal or formal discipline, and the complainant does not want to complete complaint paperwork but prefers it be handled by the employee's immediate supervisor, then the supervisor taking the complaint shall notify the employee's immediate supervisor who shall complete all necessary follow-up with the complainant and employee. Service Related Inquiries shall be entered into BlueTeam by the employee's immediate supervisor and reviewed in IAPRO by Professional Standards.
- C. Formal Complaint: If the concerns cannot be resolved or the allegations do not meet the criteria of a Service Related Inquiry, the complainant will be informed that they may complete the *Personnel Complaint Form* at the police station or may take the form with them to complete it at a later time. All complainants will be requested to complete an *Acknowledgement of Florida State Statutes* form in addition to the *Personnel Complaint Form* at the time of their complaint. Formal complaints, if sustained, may result in formal or informal discipline and are tracked in I/A Pro by Professional Standards.
 - 1. Should the person complete the form at the police station, the receiving member shall review the statement portion of the complaint and forward the entire complaint form and any supplement information to the Support Services Division Commander without delay.
 - 2. Should the person wish to take the form with them, they shall be informed that the *Personnel Complaint Form* can be emailed, mailed or brought to the Punta Gorda Police Department. The supervisor shall complete all sections of the form marked with an asterisk and make a copy of the first page of the form prior to giving it to the complainant. The supervisor shall forward the copy to the Support Services Division Commander for filing with the Professional Standards files. *Personnel Complaint Forms* may be picked up from the Support Services Division Commander, if necessary. *Personnel Complaint Forms* received by any member under these circumstances shall be forwarded to the Support Services Division Commander without delay.
 - 3. Formal Complaints submitted by a department member may require the completion of a *Personnel Complaint Form* at the discretion of the Chief of Police.
 - 4. Should the supervisor feel the complaint is of such a serious nature that it requires immediate attention or needs assistance, the supervisor shall contact the Command Staff without delay.
- D. False Allegations: To be fair to both the public and the employees of the department, allegations against employees of the department will be investigated to the best of the department's ability. In the event that it is determined that a complainant has maliciously and intentionally made false allegations against a department employee, the Professional

Standards investigator will forward the false or malicious complaint filed against personnel to the State Attorney's Office for review and possible charges.

- E. Under [FS 112.533\(2\)\(b\) – Receipt and Processing of Complaints](#), the agency head or the agency head's designee may request a sworn or certified investigator from a separate law enforcement agency to conduct the investigation when:
 - 1. A conflict is identified with having an investigator conduct the investigation of an officer of the same employing agency;
 - 2. The employing agency does not have an investigator trained to conduct such investigations; or
 - 3. The agency's investigator is the subject of, or witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers.
 - 4. The employing agency must document the identified conflict. Upon completion of the investigation, the investigator shall present the findings without any disciplinary recommendation to the employing agency.
- F. Commendations: Employee commendations that are received by citizens or another member of the department shall be entered into BlueTeam by the employee's immediate supervisor or the Senior Executive Assistant. All commendations will be reviewed and released into IAPRO by the Professional Standards Sections.

III. SERVICE-RELATED INQUIRIES

- A. Service-related inquiries are inquiries from citizens based upon a misunderstanding of the law, established procedures, or investigative techniques, or minor allegations of misconduct or procedural violations that do not rise to the level of a formal personnel complaint. The appropriate supervisor will immediately address these inquiries. Examples of service-related inquiries may include but are not limited to an inadequate investigation such as failure to dust for prints or failure to interview all witnesses, rudeness, questionable response time, or conditions under which a traffic citation was issued.
- B. When considering an inquiry of this nature, if the situation cannot be resolved to the satisfaction of everyone concerned, or if there is any doubt as to whether a Professional Standards investigation is necessary, the facts shall be documented on a *Personnel Complaint Form* and routed to Professional Standards for investigation.

- IV. **SUPERVISORY DISCIPLINE:** Some acts of misconduct do not require an investigation. Should a supervisor witness minor misconduct, or should the facts present not warrant a probing investigation, the supervisor shall handle the incident as supervisory discipline.

Examples of misconduct for which supervisory discipline may be appropriate include those in which a supervisor witnesses or the facts obviously indicate, that an officer violated a policy such as discourtesy, tardiness, incompetence, insubordination, inappropriate work attire, sleeping on duty, etc. Disciplinary/corrective action taken in this form shall be documented on a City of Punta Gorda Employee *Disciplinary Action Report*, if appropriate. The Employee *Disciplinary Action Report*, along with any supporting documentation, shall be forwarded to the Chief of Police through the supervisor's chain of command for approval.

V. INTERNAL AFFAIRS INVESTIGATIONS

A. Authority

1. All investigations are performed under the authority of the Chief of Police, with the management responsibility of the Internal Affairs function assigned to the Support Services Division Commander. Upon being assigned an Internal Affairs Investigation, the assigned investigator must contact the complainant advising them of the receipt of the complaint, and the investigation process. A letter will be sent by the Support Services Division Commander to the complainant acknowledging the complaint.
2. The final authority to exonerate, declare unfounded, not sustained, sustained, or declare policy failure on any Internal Affairs Investigation rests with the Chief of Police or designee.
3. All investigations and disciplinary actions shall be governed by this policy, any applicable department directives, city policies, and procedures, and [Chapter 112](#), of the Florida Statutes.
4. Only the Chief of Police or designee may initiate an internal investigation.
5. Upon completion of an Internal Affairs Investigation (IA), the investigator assigned shall prepare and submit a comprehensive report to the Support Services Division Commander. The Internal Affairs report shall then be forwarded to the Chief of Police for final disposition. An Internal Affairs investigation may result in formal or informal discipline.

B. Investigations

1. Internal Affairs complaints include, but are not limited to, serious policy violations, violations of state statutes, or violations contrary to [C.J.S.T.C. Rule 11B-27.005](#). Professional Standards has the responsibility to investigate and review the following types of complaints – commission of a crime, whether on or off duty, immoral conduct as outlined in [C.J.S.T.C. Rule 11B-27.0011](#), acceptance of a bribe or other illegal compensation-corruption, malfeasance in office, excessive force under color of authority, release of confidential information without authority, intentional firearm discharge or accidental discharge resulting in injury, death of a person in custody,

- intoxication on duty, sexual harassment, or any allegations deemed serious by the Chief of Police or their designee.
2. Upon completion of the Internal Affairs Investigation, the investigator assigned shall prepare and submit a comprehensive Professional Standards Investigation's report.
 3. All internal affairs investigations will be completed, even if the affected employee terminates their employment with the department prior to the conclusion of the inquiry. The department will not investigate employees that separate from the agency prior to the allegations being brought forward.
 4. The complainant and the affected employee shall receive written notification of the conclusion and disposition concerning the allegation(s) of misconduct.
- C. Complaint Process: The affected employee shall be notified of a complaint requiring investigation by Professional Standards. The accused member shall be notified in writing of the complaint and that an investigation has been initiated. The assigned investigator shall provide the accused member with:
1. *Notification of Charges/Allegations* form which shall state, in writing, the allegation(s) and the name of the complainant, and;
 2. Notification of the employee's rights and responsibilities relative to the investigation.
- D. Employee Restrictions
1. An employee having knowledge of or involved as a subject or witness in a complaint shall not:
 - a. Independently participate in the investigation.
 - b. Be present during any investigative contact with the complainant or complainant's witnesses.
 - c. Contact the complainant or complainant's witnesses concerning the allegations.
 - d. Disclose or discuss the existence or facts of a complaint with anyone except designated departmental authorities conducting the investigation.
 2. Nothing in these procedures shall be construed to prohibit an employee from discussing any aspect of a complaint with their attorney or bargaining unit representative. If the bargaining unit representative is an involved party or witness in the alleged misconduct, the employee must contact an uninvolved representative.
- E. Investigative Procedures

1. The Chief of Police may require an employee submit to a medical or laboratory examination, to be photographed, or to participate in a lineup when such information or actions are specifically directed and narrowly related to a particular investigation. Financial disclosure statements shall not be requested unless approved by city legal staff. Failure to follow a direct order of this nature shall constitute a separate infraction and may result in disciplinary action up to and including dismissal.
2. An employee under investigation cannot be compelled to submit to a polygraph examination or any other instrument designed to detect deception. However, an employee under investigation may voluntarily submit to such examination after being made aware that such actions are strictly voluntary and refusal to submit does not imply guilt or admission of the allegation. The results of the examination shall not be used in any criminal proceedings.
3. Law Enforcement Officer's Bill of Rights – Pursuant [to Florida State Statutes 112.532 – Law Enforcement Officers' and Correctional Officers' Rights & 112.533 – Receipt and Processing of Complaints](#), whenever law enforcement officers are under investigation and subject to interrogation by members of this agency for any reason which would lead to disciplinary action, suspension, demotion, or dismissal, such interrogation shall be conducted under the following conditions:
 - a. The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
 - b. The interrogation shall take place either at the office of the command of the investigation officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.
 - c. The law enforcement officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.
 - d. The law enforcement officer under investigation must be informed of the nature of the investigation before any interrogation begins, and they must be informed of the name of all complainants. All identifiable witnesses shall be interviewed whenever possible, prior to the beginning of the investigative interview of the accused officer. The complainant, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any

investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive provisions of this paragraph and provide a voluntary statement at any time.

- e. Interrogation sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as a reasonably necessary.
- f. The law enforcement officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal or disciplinary action. A promise or reward may not be made as an inducement to answer any questions.
- g. The formal interrogation of a law enforcement officer, including all recess periods, must be recorded on audiotape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than seventy-two (72) hours, excluding holidays and weekends, following said interrogation.
- h. If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, they shall be completely informed of all their rights before commencing the interrogation.
- i. At the request of any law enforcement officer under investigation, they have the right to be represented by counsel, or any other representative of their choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement service.
- j. Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

F. Investigative Tools

- 1. If a department supervisor has reasonable suspicion, due to allegations or observed behavior, that an employee is under the influence of drugs or alcohol while on duty, Section 23 (Drug Free Workplace and Alcohol Policy) of the City of Punta Gorda Personnel Rules and Regulations shall be followed.
- 2. Department members may be ordered to submit to a breath test, blood test, urinalysis, handwriting exemplars, psychological examination, or other test or examination that is specifically related to a particular Internal Affairs Investigation. Examinations conducted at the direction of the Punta Gorda Police Department shall be at the expense of the Punta Gorda Police Department.

3. A member may be required to submit financial disclosure statements if the investigation involves questions of a financial nature.
4. A member may be required to submit monthly statements from personal cellular phones/paging devices if the investigation involves questions of their usage while on duty. The documentation shall be redacted and depict only on duty time frame information.
5. A member may be required to be photographed or participate in a line-up if it is material to a particular offense or investigation.
6. No member shall be compelled to submit to a truth verification examination (Computerized Voice Stress Analysis or polygraph), nor will a refusal to submit to an examination be a determinant in the finding of fact in the case.
7. Searches and Seizures
 - a. Personal property brought onto, or stored in, police department property or vehicles shall be subject to search without prior notice.
 - b. Police department and/or city owned property may be searched any time, even if the property is exclusively assigned and/or used by an individual member.
 - c. Police department communications may be monitored any time under the conditions permitted by law. Other communications or conversations may also be monitored any time under the conditions permitted by law.

G. Investigative Time Limits

1. Internal Affairs Investigations shall be completed within 45 days from receipt of the initial complaint. The limitations period shall be tolled (suspended) during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct and/or an extension is approved in accordance.
2. Under [FS 112.532\(6\)\(a\) – Law Enforcement Officers’ and Correctional Officers’ Rights](#), disciplinary action, demotion, suspension, or dismissal may not be undertaken by an agency against a law enforcement officer for any act, omission, or other allegation or complaint of misconduct, regardless of the origin of the allegation or complaint, if the investigation or complaint of the allegation is not completed within 180 days after the date the agency receives notice of the allegation or complaint by a person authorized by the agency to initiate an investigation of the misconduct. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after

the date the agency received the notice of the alleged misconduct, regardless of the origin of the allegation or complaint, except as follows:

- a. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer.
 - b. The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.
 - c. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period is tolled during the period of incapacitation or unavailability.
 - d. In a multi-jurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.
 - e. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.
 - f. The running of the limitations period is tolled during the time that the officer's compliance hearing proceeding is continuing beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by the agency.
3. Under [FS 112.533\(2\)\(b\) – Receipt and Processing of Complaints](#), an investigation is presumed active if shown it is continuing with a good faith, reasonable anticipation of a finding. However, it is presumed inactive if no finding is made within forty-five (45) days after the complaint is filed and no extension has been filed.
 4. Under [FS 112.532\(6\)\(b\) – Law Enforcement Officers' and Correctional Officers' Rights](#), an investigation against a law enforcement officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:
 - a. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
 - b. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the pre-disciplinary response of the officer.

- c. Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within ninety (90) days after the date the investigation is reopened.
- 5. Continuances may be granted at the discretion of the Chief of Police or designee for the cause.
- 6. If the investigation or complaint of the allegation is not completed within 180 days after the date the agency receives notice of the allegation or complaint by a person authorized by the agency to initiate an investigation of the misconduct it shall be classified: Expired – No Finding.
- H. Investigative Misconduct: Under [FS 112.534 – Failure to Comply; Official Misconduct](#), if any law enforcement agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply. For the purposes of this section, the term “law enforcement officer” includes the law enforcement officer’s representative or legal counsel, except in application of [112.534 \(1\)\(d\) – Failure to Comply; Official Misconduct](#).
 - 1. The law enforcement officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer’s notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.
 - 2. If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer, the officer shall request the agency head or their designee be informed of the alleged intentional violation. Once this request is made, the interview of the officer shall cease and the officer’s refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.
 - 3. Thereafter, within three working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to this investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.
 - 4. Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within ten (10) working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and the agency or for extraordinary reasons, an alternate date is chosen. If a compliance review hearing is convened then [SOP 201.02 – Compliance Review Hearing](#) protocol will be followed.

VI. CASE DISPOSITION PROCESS

- A. The Professional Standards Investigator, upon completing the formal complaint investigation, shall conclude their report by classifying each allegation into one of the following categories:
1. Sustained: There was sufficient evidence to determine that the allegation did occur; or there was sufficient evidence to determine that a violation occurred other than the original allegation(s).
 2. Not Sustained: The investigation failed to disclose sufficient evidence to support the complaint.
 3. Exonerated: The employee's actions were lawful, proper, and consistent with department policy.
 4. Unfounded: The complainant admitted to making a false allegation, was untruthful, or the facts of the investigation supported this conclusion; and/or the accused employee was not involved in the incident; and/or there was no basis in fact that the incident occurred.
 5. Policy Review Required: The employee followed departmental policy or procedure, but the investigation reveals that the policy or procedure requires review by Command Staff.
- B. Additional investigative findings are potential violations of policy or department practices that were not part of an original complaint and were discovered by the Professional Standards Investigator during the investigation. These unreported policy violations shall be documented within the findings section of the investigative report and shall contain a disposition as outlined above in Section VII A.
- C. Final Review
1. Upon completion of a professional Standards investigation, the case investigator shall forward the investigative case file to the Chief of Police for their review and final disposition.
 2. In the event that a sustained complaint results in a recommendation of suspension, demotion, or discharge, the subject member will be afforded a pre-disciplinary hearing prior to the imposition of the penalty.

3. Members will be advised in writing of the basis for any proposed disciplinary action that will result in a loss of pay or benefits. Discipline shall be imposed upon the officer in a timely manner and imposition of the action shall not be unreasonably delayed, as determined by the Chief of Police.
 4. Upon completion of a Professional Standards investigation, both the accused member and the complainant shall be notified in writing of the conclusion of fact and the disposition of the investigation.
 5. When an investigation of misconduct results in dismissal, the affected employee will be provided with the following:
 - a. A statement stating the reason for the dismissal;
 - b. Effective date of dismissal; and
 - c. A statement outlining the employee's rights.
- D. Pursuant to [FS 112.533 – Receipt and Processing of Complaints](#), an officer may review their personnel file and may attach a concise statement to any item that may be derogatory in nature. The officer may also receive copies of those items thought by the officer to be derogatory.

VII. DISCIPLINARY AUTHORITY

- A. Lieutenants, Corporals and Civilian Supervisors: Lieutenants, Corporals and civilian supervisors have the authority to orally counsel subordinates, prepare verbal warnings, prepare written warnings, and make recommendations to the Chief of Police for more severe disciplinary actions. Verbal warnings and above must be approved by the Chief of Police prior to issuance. Written warnings and above must be approved by the Chief of Police with concurrence from the Human Resources Department prior to issuance.
- B. Captains: Captains have the authority to orally counsel subordinates, prepare verbal warnings, prepare written warnings, and make recommendations to the Chief of Police for more severe disciplinary actions. Verbal Warnings and above must be approved by the Chief of Police prior to issuance. Written warnings and above must be approved by the Chief of Police with concurrence from the Human Resources Department prior to issuance.
- C. Chief of Police: The Chief of Police has the authority to authorize verbal warnings, written warnings and disciplinary suspensions, with the concurrence of the Human Resources Department. The City Manager must approve all employee terminations.

VIII. RELIEF FROM DUTY

A. Relief of Duty & Administrative Leave

1. The Chief of Police or their designee may relieve a member from duty, pending determination of their physical or psychological fitness for duty, or pending the disposition of an administrative review. At the discretion of the Chief of Police or their designee, a member may be reassigned to duty that is not related to the particular investigation.
2. Emergency Suspension: Supervisors have the authority to temporarily suspend with pay a subordinate member from duty. A suspension may be made for a violation of law or a violation of a department directive where an endangerment to the public or other member is created by the member's actions (mental instability, intoxication, illness, etc.). The command staff shall immediately be notified of any such occurrence.
3. Employees placed on administrative leave at the discretion of the Chief of Police, or designee, for allegations of misconduct, pending investigative or disciplinary purposes, shall be transferred by memorandum and be under the direct supervision of a designated command staff officer until such time as determined by the Chief of Police.
4. When an employee has been relieved of duty for alleged misconduct, paid or unpaid, the employee shall be required to turn in any specified department issued equipment.
5. All employees must honor all subpoenas and other court-related requests while under suspension.
6. All employees shall be required to attend any assigned department business in plainclothes, and shall not be permitted to wear a uniform, carry a weapon, or display any department identification while relieved of duty for alleged misconduct.
7. Extra-duty details shall be suspended when relieved from duty.

IX. CJSTC REQUIREMENTS: The Support Services Division Commander shall notify the Criminal Justice Standards and Training commission whenever an internal investigation is sustained, as per Florida State Statute. The employing agency must forward a report to the Commission as specified by [Florida State Statute 943.1395](#). Form CJSTC-78, known as the Internal Investigation Report Form, shall be completed and forwarded to the Commission, along with the complete investigative report. This will be completed within forty-five (45) days of the date the allegation was sustained. C.J.S.T.C. will not be notified when allegations are sustained but are violations of agency policy only, or, other agency disposition has been found.

X. BRADY IDENTIFICATION SYSTEMS: Florida Statute 112.532 and 112.536 requires the employing law enforcement agency and prosecuting agency to conform to certain rules and procedures.

- A. A law enforcement officer may not be discharged, suspended, demoted, or otherwise disciplined, or threatened with discharge, suspension, demotion, or other discipline, by his or her employing agency solely as a result of a prosecuting agency determining that the officer's name and information should be included in a Brady Identification System. This does not prohibit an officer's employing agency from discharging, suspending, demoting, or taking other disciplinary action against a law enforcement officer based on the underlying actions of the officer which resulted in his or her name being included in a Brady Identification System.
- B. The employing agency of a law enforcement officer shall forward all sustained and finalized internal affairs complaints relevant to F.S.S. 90.608, 90.609, or 90.610 to the prosecuting agency in the circuit in which the employing agency is located to assist the prosecuting agency in complying with its obligation under the *Brady* decision.
- C. The employing agency of a law enforcement officer must notify the law enforcement officer of any sustained and finalized internal affairs complaints that are sent to a prosecuting agency as required under this section.
- D. A law enforcement officer has the right to request reconsideration of the prosecuting agency's decision to include the name and information of the officer in a Brady identification system and also has the right to submit documents and evidence in support of the request for reconsideration.

XI. RECORD KEEPING

- A. Custodian of Professional Standards Investigations Records: The Support Services Division Commander is the custodian of all investigative reports relating to alleged misconduct. Hard Copy records will be securely maintained in the Support Services Division Commander's office until they are uploaded into the I/A Pro system.
- B. Retention of Internal Affairs Investigations Records: When a particular record has met the retention guidelines specified in the State Library and Archives of Florida, General Records Schedule GS2 for Law Enforcement, Correctional Facilities and District Medical Examiners, such records may be destroyed. The Administrative Services Section Supervisor will be responsible for submitting the appropriate request to the Chief of Police requesting approval to destroy the record(s).

XII. SECURITY AND CONFIDENTIALITY

- A. All internal investigations, including personnel/citizen complaints and any information regarding these investigations, shall be kept confidential, pursuant to [Florida State Statutes 112 - Police Officers and Employees: General Provisions](#) and [119 – Public Records](#), until the investigation is considered closed and given a finding; e.g. sustained or not sustained. An employee having knowledge of, or involved as a subject or witness, in an internal affairs or administrative investigation, shall not disclose or discuss the existence or facts of a complaint with anyone, except designated departmental authorities conducting the investigation or the officer’s attorney or bargaining unit representative.
- B. In accordance with [112.533\(2\)\(a\) – Receipt and Processing of Complaints](#), a complaint filed against a law enforcement officer with a law enforcement agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of [119.07\(1\) – Public Records](#) until the investigation ceases to be active, or until the agency head or the agency head’s designee provides written notice to the officer who is the subject of the complaint, either personally or by mail that the agency has either:
1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
 2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.
 3. Disclosure of Public Record: Unless exempted by law, the records of completed investigations arising from complaints against the department or its members are considered public record and subject to applicable departmental and state regulations governing public disclosure, and may be reviewed upon request. The involved officer(s) will be notified of the request by the Support Services Division Commander.
- C. Security of the Internal Affairs and Citizen Complaint Files
1. To ensure completeness of closed files, all reports and documentation pertaining to a particular file must be included when it is returned to the Support Services Division Commander.
 2. After investigative conclusion all notes, reports, statements, or other material involved in the investigation of all complaints shall be uploaded into the I/A Pro system with access limited to the Professional Standards Section Supervisor, Support Services Division Commander and the Chief of Police.

APPROVED



PAMELA R. SMITH, CHIEF OF POLICE

STAFF REVIEW DATES: 03-04-1992, 03-28-1995, 12-02-1997, 01-23-1998, 06-01-2000, 09-21-2001, 09-04-2003, 02-13-2007, 08-19-2009, 01-21-2010, 06-28-2012, 07-07-2014, 03-03-2015, 03-24-2016, 02-08-2017, 07-03-2019, 06-03-2021, 05-06-2022, 05-16-2024

REVISION DATES: 03-04-1992, 03-28-1995, 12-02-1997, 12-15-1997, 01-23-1998, 02-09-1998, 03-22-1998, 07-07-1998, 06-01-2000, 09-21-2010, 09-04-2003, 02-13-2007, 08-19-2009, 01-21-2001, 06-28-2012, 07-07-2014, 03-03-2015, 03-24-2016, 02-08-2017, 07-03-2019, 07-20-2020, 08-19-2020, 06-03-2021, 05-06-2022, 08-01-2023, 10-18-2023, 05-16-2024