



ADMINISTRATION			201.02	
<div><div></div><div>COMPLIANCE REVIEW HEARING</div><div></div></div>				
ISSUED: 12-02-2009	EFFECTIVE: 12-12-2009	REVISED: 05-16-2024	REVIEWED: 05-16-2024	PAGES: 3

CONTENTS

This procedure consists of the following numbered sections:

I. GENERAL PROCEDURE

PURPOSE

Compliance Review Hearings are authorized by Florida Statute 112.534 and provide a remedy for subject officers when any law enforcement officer or 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. It is the intent of the Chief of Police to ensure a fair and impartial review process for the hearing of such appeals.

SCOPE

This procedure shall apply to all sworn Police Department personnel covered by Florida Statute 112, the Police Officer's Bill of Rights. All the provisions of Florida Statute 838.022 shall apply to this part.

PROCEDURE

- I. **GENERAL PROCEDURE:** If investigative misconduct is believed to have occurred in accordance with [Standard Operating Procedure 201.00 – Professional Standards](#), within three working days, a written notice of violation and request for a compliance review hearing shall be filed with the Chief of Police. The written notice 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.

- A. Unless otherwise remedied by the department 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 department or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the Chief of Police, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county or municipal agency within Charlotte County. The compliance review hearing shall be conducted in Charlotte County.
- B. It is the responsibility of the compliance review panel to determine whether or not the investigator or department intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.
- C. The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the Chief of Police and the officer.
- D. If the alleged violation is sustained as intentional by the compliance review panel, the Chief of Police shall immediately remove the investigator from any further involvement with the investigation of this officer. Additionally, the Chief of Police shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of department disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standard and Training Commission for review as an act of official misconduct or misuse of position.

APPROVED



PAMELA R. SMITH, CHIEF OF POLICE

STAFF REVIEW DATES: 08-17-2009, 01-21-2014, 05-17-2016, 04-26-2018, 02-14-2020, 01-28-2022, 05-06-2022, 05-16-2024

REVISION DATES: 08-17-2009, 01-21-2014, 05-17-2016, 04-26-2018, 02-14-2020, 01-28-2022, 05-06-2022, 05-16-2024