

<b>SEMINOLE COUNTY SHERIFF'S OFFICE</b>  <b>GENERAL ORDER</b>	<b>NUMBER:</b>  <b>G - 34</b>
	<b>RESCINDS:</b>
<b>SUBJECT:                    Conduct Investigations</b>	
<b>EFFECTIVE:                November 14, 1994</b>	
<b>REVISED:                  March 4, 2025</b>	

Table of Contents:

- I. Purpose
- II. Scope
- III. General
- IV. Definitions
- V. Complaints
- VI. Relief from Duty
- VII. Supervisory Inquiry Procedure
- VIII. Administrative Investigation Procedure
- IX. Administrative Suspension
- X. Policy Failure
- XI. Appeals
- XII. Records
- XIII. Public Information and Annual Summaries
- XIV. 18<sup>th</sup> Judicial Circuit Mandatory Disclosure Policy

***I. PURPOSE:***

This directive provides guidelines for receiving and investigating complaints against Sheriff's Office employees.

***II. SCOPE:***

It is Sheriff's Office policy to investigate and resolve complaints, including anonymous, against the agency and its employees through thorough, expeditious, and impartial procedures. The investigation of complaints is essential to maintaining the confidence of citizens and to protect the integrity of the Sheriff's Office and its employees.

***III. GENERAL:***

- A. Employees have an obligation to conduct themselves professionally and courteously and to treat persons impartially with respect and dignity.
- B. Guidelines for proper complaint procedures are essential to the efficient and orderly achievement of the Sheriff's Office mission. Knowledge of complaint investigation procedures promotes their uniform application.
- C. Any employee who is the subject or witness in an Administrative Investigation or Supervisory Inquiry shall not release or discuss any information about the investigation or inquiry unless directed to do so by

the Sheriff. Employees are only permitted to discuss the matter with their legal counsel, the supervisor conducting the inquiry, or employees assigned to Professional Standards Section.

**IV. DEFINITIONS:**

A. *Supervisory Inquiry:*

Designated supervisors conduct Supervisory Inquiries to investigate allegations of misconduct, discourtesy, misunderstanding, individual performance deficiencies, or lesser violations of Sheriff's Office written directives.

B. *Administrative Investigation:*

Professional Standards Section conducts Administrative Investigations that review and investigate allegations of criminal violations or major violations of Sheriff's Office written directives, which may include:

1. Commission of crimes,
2. Acceptance of a bribe or other illegal compensation,
3. Malfeasance in office,
4. Theft,
5. Unauthorized release of confidential information,
6. Official misconduct,
7. Intoxication,
8. Excessive response to resistance,
9. Employee and sexual harassment,
10. Unnecessary or unlawful injury to a prisoner,
11. Employee substance abuse, and
12. Other acts of a serious nature.

C. *Administrative Review:*

Professional Standards Section conducts Administrative Reviews only as directed by the Sheriff (or designee). Reviews are conducted of complaints received from the public or from agency administrators when a Supervisory Inquiry or Administrative Investigation is not warranted. This may also include reviewing investigations conducted by third parties such as the Florida Department of Law Enforcement (use of lethal force), matters of substandard performance, or when a Supervisory Inquiry is determined by the Sheriff (or designee), to need additional review outside its immediate chain of command.

D. *Professional Conduct Review:*

Professional Standards Section records and reviews complaints and investigates allegations of major violations of Sheriff's Office policy. It does not make recommendations for discipline. The Lieutenant of the Professional Standards Section (hereafter "Professional Standards") oversees the processing of complaints and all investigations conducted by the section. The Lieutenant of Professional Standards directly supervises Detectives assigned to the section. The Lieutenant of Professional Standards and the Chief of the Department of Investigative Services have the authority to report directly to the Sheriff (or designee) regarding any allegation of misconduct and active investigations.

E. *Finding or Conclusion of Fact:*

A finding or conclusion of fact is an opinion of a Detective or supervisor who summarizes an investigation or inquiry. All findings or conclusions of fact are based upon a preponderance of evidence.

1. *Not Sustained:*

Evidence does not clearly prove the alleged act did or did not occur.

2. *Exonerated:*  
Specific acts did occur, but they were justified, lawful, and proper.
3. *Unfounded:*  
Specific acts did not occur or did not involve Sheriff's Office personnel.
4. *Sustained:*  
A preponderance of the evidence that the alleged violation occurred.
5. *Policy Failure:*  
The employee's conduct was improper; however, no specific policy was violated. This finding may necessitate a policy revision.

**V. COMPLAINTS:**

- A. A complaint may be registered against the Sheriff's Office or its employees in person, by telephone, or in writing. Any supervisor (including personnel assigned to Professional Standards) may accept complaints.
- B. A complainant must have actual firsthand knowledge of the alleged misconduct or be making the complaint on behalf of a minor child.
- C. Employees will provide information to citizens regarding Sheriff's Office complaint procedures when requested.
- D. *Procedures:*
  1. Complaints may only be accepted by on-duty supervisors or personnel assigned to Professional Standards. During initial contact with a complainant, a supervisor may determine whether the conduct cited was proper. Supervisors (and Professional Standards personnel) are authorized to resolve the complaint to the satisfaction of the complainant, if possible, by:
    - a. Resolving any misunderstanding leading to the complaint,
    - b. Correcting any deficiencies, and
    - c. Counseling the employee regarding the reason for the complaint.
  2. If a complaint cannot be resolved during the initial contact with the complainant, the formal complaint process will be used.
    - a. A recorded or written sworn statement will be obtained from the complainant.
    - b. The complainant will be informed of the investigation process.
    - c. The receiving supervisor will give the complainant a copy of their sworn statement or a Sheriff's Office business card as a receipt that their complaint has been received for processing.
    - d. If received by a supervisor, they will complete a written statement describing the complaint and any actions taken. Their statement, along with the complainant's statement, will be forwarded through their chain of command to the Lieutenant of Professional Standards.
    - e. If applicable, the Lieutenant will assign the complaint a personnel complaint number.

- f. Based on the seriousness of the allegation, the Lieutenant will determine how the complaint is processed, which may be as a Supervisory Inquiry or submitted to the Sheriff with a recommendation for an Administrative Investigation.
- g. The Lieutenant will immediately notify the Sheriff (or designee) of any complaint of a serious nature against Sheriff's Office employees. The Sheriff (or designee) will then determine the classification of the complaint.
- h. The Lieutenant (or designee) routinely keeps the Sheriff informed of all less serious complaints. Nothing in this directive is intended to prevent a Chief or a Captain/Director from notifying the Sheriff of a serious complaint, which requires immediate notification.
- i. The Lieutenant (or designee) is responsible for providing the complainant with an update on the status of their complaint every 30 days until final disposition.
- j. The Lieutenant (or designee) is responsible for notifying the complainant of the final disposition of their complaint.

**F. *Internally Generated Complaints:***

- 1. Internally generated complaints are initiated by the Sheriff or a supervisor.
- 2. If generated by a supervisor below the rank of Captain/Director, he or she will complete a written statement describing the complaint and any actions taken. Their statement, along with any supporting documentation, will be forwarded through their chain of command to the Lieutenant of Professional Standards.
- 3. If applicable, the Lieutenant (or designee) will assign the complaint a personnel complaint number.
- 4. Based upon the circumstances and seriousness of the allegation, the Lieutenant (or designee) will determine how the complaint is processed, which may be as a Supervisory Inquiry or submitted to the Sheriff with a recommendation for an Administrative Investigation.

**VI. *RELIEF FROM DUTY:***

- A. The Sheriff (or designee) may relieve an employee from duty, pending determination of their physical or psychological fitness for duty or pending disposition of a Supervisory Inquiry or Administrative Investigation. Relief from duty may be with or without pay. At the Sheriff's discretion, an employee may be reassigned duties not related to the investigation.
- B. Supervisors have the authority to temporarily suspend a subordinate employee from duty for violations of law or Sheriff's Office policy that may endanger the public (intoxication, mental illness, etc.). Any such suspension is with pay, and higher authority is immediately notified.

**VII. *SUPERVISORY INQUIRY PROCEDURE:***

- A. All externally generated complaints, except those resolved during the initial contact with the complainant, are forwarded, along with a statement from the supervisor, through the chain of command to the Lieutenant of Professional Standards. The Lieutenant then determines if the complaint is processed as a Supervisory Inquiry.

- B. A list of supervisors who have been trained and authorized to conduct Supervisory Inquiries will be maintained by the Professional Standards Section.
- C. If it is determined the complaint will be investigated as a Supervisory Inquiry, the Lieutenant (or designee) prepares a file containing copies of all written statements and other supporting documentation. A personnel complaint number is then assigned, and a copy of the file is forwarded to the designated supervisor (unless the Lieutenant believes the complaint requires the personal attention of the Sheriff).
- D. When an employee is notified that he/she is the subject of a Supervisory Inquiry he/she is notified in writing of the nature of the allegations and provided with their rights and responsibilities relative to the investigation.
- E. Supervisors assigned Supervisory Inquiries obtain any evidence, contact any witnesses and, if applicable, interview the complainant to gather the facts.
- F. Sworn statements from employees accused of misconduct are taken pursuant to Chapter 112, Florida Statutes (Law Enforcement and Correctional Officers' Bill of Rights).
1. Subject employees are informed of the nature of the complaint and the name of the complainant.
  2. Statements (written or recorded) will be obtained from all identifiable witnesses, whenever possible, before obtaining a statement from any subject employee.
  3. Before any statement is obtained from a subject employee, the employee, along with any representative, will be allowed to review all complaint and witness statements (including those of any other subject employees) and all other existing evidence. However, the statement of an incarcerated witness will not be provided to a Detention Deputy who may have control or custody over that witness.
  4. Subject employees are provided the *Law Enforcement Officer's Bill of Rights Form* and the *Garrity Statement Form* and are informed of the perjury statutes in Chapter 837, Florida Statutes. They thoroughly read and sign each form.
  5. Subject employees will be directed to participate in a recorded interview and answer all relevant questions.
  6. The *Interview of Subject Employee Form* (SI version) will be used for recorded interviews of subject employees.
  7. No non-recorded statements made by the subject employee will be included as part of the inquiry.
  8. If a subject employee requests it, a copy of their interview will be provided within 72 hours, excluding holidays and weekends.
- G. Supervisors complete Supervisory Inquiries in a timely manner. Anticipated delays and the reason for any delay will be reported to Professional Standards.
- H. The format for documenting a Supervisory Inquiry is the alleged violation(s), details, and conclusion(s).
- NOTE:** Each violation is categorized, in the conclusion section as sustained, not sustained, unfounded, exonerated, or policy failure.

- I. When completed, the Supervisory Inquiry, along with all supporting documentation, is submitted to Professional Standards for review.
- J. After approval, Professional Standards will submit the Supervisory Inquiry along with all supporting documentation to the subject employee's Captain/Director. The Captain/Director may return the Supervisory Inquiry to the investigating supervisor if additional information or further investigation is needed. If complete, the Captain/Director forwards the inquiry and any recommendations through the chain of command to the Sheriff.
- K. If disciplinary action, beyond a written warning is recommended, a Disciplinary Review Board may be convened for review and disciplinary recommendations.
- L. The completed Supervisory Inquiry and the result of any disciplinary action are submitted by the Chiefs to the Lieutenant of Professional Standards for review and statistical analysis. The Lieutenant (or designee) is responsible for maintaining the inquiry.
- M. The Lieutenant (or designee) is responsible for notifying the employee and the complainant of the final disposition.
- N. If, during the course of a Supervisory Inquiry, the facts suggest a law violation or a serious violation of an agency directive, the supervisor may recommend to the Lieutenant of Professional Standards that the inquiry be forwarded to the Sheriff for reclassification as an Administrative Investigation.

**NOTE:** If there is no Captain/Director in a subject employee's chain of command, the duties of the Captain/Director, as defined herein, are executed by the subject employee's next higher level of authority.

#### ***VIII. ADMINISTRATIVE INVESTIGATION PROCEDURE:***

- A. Only the Sheriff (or designee) may initiate an Administrative Investigation; however, the Lieutenant of Professional Standards (or designee) may obtain preliminary information that would assist the Sheriff (or designee) in determining if an Administrative Investigation is warranted.
- B. Unless otherwise directed by the Sheriff, Professional Standards conducts Sheriff's Office Administrative Investigations.
- C. If an investigation may likely result in criminal charges, the State Attorney's Office or Florida Department of Law Enforcement is consulted.
- D. *Procedure:*
  - 1. If the complaint is externally generated, the complainant is advised that it has been received and is being processed according to agency policy.
  - 2. The complaint is assigned a personnel complaint number.
  - 3. The Lieutenant (or designee) will begin the Administrative Investigation by arranging for the collection of all available documents and interviews with witnesses.
  - 4. When an employee is notified that he/she is the subject of an Administrative Investigations he/she is notified in writing of the nature of the allegations and provided their rights and responsibilities relative to the investigation.

5. A complaint, the existence of a complaint, and information obtained pursuant to an Administrative Investigation is confidential and exempt from ss. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active or until the case is closed.
  - a. Investigations must be completed within 180 days; however, this period may be tolled as provided by the exceptions outlined in Florida Statutes 112.532(6).
  - b. Confidentiality is preserved in all cases until they are concluded, and findings are reached.
  - c. An Administrative Investigation is considered "closed" when reviewed and approved by the Sheriff.
6. Administrative Investigations are unbiased and impartial.
7. Sheriff's Office personnel may be ordered to submit to a breath test, urinalysis, handwriting exemplars, photographs, psychological examination, or other test or examination (except truth verification examinations) specifically related to a particular Administrative Investigation. Examinations conducted at the direction of the Sheriff's Office are at the expense of the Sheriff's Office.
  - a. Employees may be required to submit financial disclosure statements if the investigation is of financial matters.
  - b. Employees may be required to submit to photographs or participate in line-ups, if applicable.
  - c. Investigations may include truth verification examinations. Employees are not ordered to submit to these examinations, nor are refusals to submit a determinant in the finding of fact.
8. Employees are not required to subject their residences, places of private business, or private vehicles to searches without warrants or voluntarily consent to the searches.

E. *Interview Procedures:*

1. Procedures for taking sworn statements from Sheriff's Office employees who are the subject of investigation, are governed by Chapter 112, Florida Statutes (Law Enforcement and Correctional Officers' Bill of Rights) and other applicable state and federal court decisions affecting employees' rights.
2. Statements will be obtained from all identifiable witnesses, whenever possible, before interviewing subject employees.
3. Before beginning an interview, employees are given the complainant's name, the nature of the complaint, and the allegations against them. They are also allowed to review all complainant and witness statements and all other existing evidence. However, the statement of an incarcerated witness will not be provided to a Detention Deputy who may have control or custody over the inmate.
4. Subject employees are provided the *Law Enforcement Officer's Bill of Rights Form* and the *Garrity Statement Form* and are informed of the perjury statutes in Chapter 837, Florida Statutes. They thoroughly read and sign each form.

5. Interviews are free of intimidation or coercion and will not violate an employee's constitutional rights. No promises are made to induce answers.
6. Interviews are of reasonable duration, and employees are entitled to intermissions for personal necessities, meals, and rest periods.
7. Employees are required to respond to all inquiries in the interview and are obligated to answer questions truthfully. Refusal to answer questions is a violation of Sheriff's Office policy, which may result in disciplinary action.
8. Employees who are under arrest or likely to be placed under arrest as a result of the investigation are advised of their constitutional rights (Miranda Warning) before interviews begin.
9. Administrative Investigation interviews are recorded. Employees may record part or all of an interview at their own expense.
10. Interviews are limited in scope to activities, circumstances, events, conduct, or acts that pertain to the subject of the investigation.
11. Employees may have a representative present during an interview. *This representation is limited to presence and not actual participation in the interview.*

F. *Reports of Investigations:*

1. Upon completion of an Administrative Investigation, the detective prepares a comprehensive report which includes:
  - a. A description of the incident, physical evidence, or other pertinent information,
  - b. Statements taken in the course of the investigation,
  - c. An evaluation of the complaint, with a statement indicating that which can be substantiated and that which cannot,
  - d. A description of any policy violations or violations of law,
  - e. Whether the State Attorney's Office or Florida Department of Law Enforcement was consulted (if applicable),
  - f. Supporting documentation, and
  - g. A finding or conclusion of fact:
    - (1) Not Sustained
    - (2) Exonerated
    - (3) Unfounded
    - (4) Sustained
    - (5) Policy failure
2. The Sheriff reviews the report and if disciplinary action is deemed appropriate, may direct a Disciplinary Review Board be convened to review the matter and make recommendations regarding any disciplinary action.



3. After an investigation is concluded, the complainant and the employee are notified in writing of the results.
4. If employee dismissal is deemed appropriate by the sheriff, the employee will be given written notice which includes the reason for dismissal, the effective date, and a statement outlining the employee's rights.

***IX. ADMINISTRATIVE SUSPENSION:***

- A. Pending the disposition of an Administrative Investigation or Supervisory Inquiry, the Sheriff (or designee) may place an employee on Administrative Suspension.
- B. When placed on suspension, the employee surrenders the following Sheriff's Office property:
  1. Assigned vehicle,
  2. Assigned firearms,
  3. Badge,
  4. Identification cards, and
  5. Other items at the Sheriff's direction.
- C. When on suspension, employees remain at their residence and are available by telephone as stipulated in the suspension memorandum. Exceptions are allowed to seek legal counseling, medical assistance, or appearance in court under subpoena. Prior to leaving their residence for any of these exceptions, the employee will notify the Lieutenant of Professional Standards (or designee).
- D. While on suspension, the employee is prohibited from discussing any aspect of the Administrative Investigation with anyone other than the Sheriff (or designee) personnel assigned to Professional Standards, or his/her own legal counsel.
- E. Employees are prohibited from participating in extra duty employment while on Administrative Suspension.

***X. POLICY FAILURE:***

If failure of a Sheriff's Office policy is a significant contributing or sole factor of an allegation, the Lieutenant (or designee) will review it. The Lieutenant (or designee) makes a written recommendation to the Sheriff to develop a new policy or amend the current policy to prevent similar occurrences. The report may recommend training be conducted, or current training be modified or expanded.

***XI. APPEALS:***

- A. Classified employees may appeal formal discipline as prescribed in the Civil Service Rules of Procedure.
- B. Non-classified employees serve at the pleasure of the Sheriff and have no recourse of appeal.

***XII. RECORDS:***

- A. Supervisory Inquiries and Administrative Investigations received by Professional Standards are assigned personnel complaint numbers for proper maintenance and recording of cases and for collection of statistical information.
- B. Records pertaining to Supervisory Inquiries and Administrative Investigations are securely stored in

electronic format.

- C. Records are disposed of as prescribed by the Florida Bureau of Archives and Records Management and procedures defined by General Order Records Management.
- D. Unless exempted by law, the records of *closed* investigations arising from complaints against the Sheriff's Office or its employees are open for public disclosure and may be reviewed upon request.

### ***XIII. PUBLIC INFORMATION AND ANNUAL SUMMARIES:***

- A. Professional Standards makes information available to the public, the Public Information Officer, and Crime Prevention Officers regarding the procedures for registering complaints against the Sheriff's Office and its employees.
- B. At the end of each calendar year, the Lieutenant of Professional Standards (or designee) compiles a statistical summary based on records of *closed* Supervisory Inquiries and Administrative Investigations conducted during the past year. The summary includes the number of inquiries and investigations conducted, subject or nature of the alleged offenses, and the findings or conclusions of fact. Summaries are forwarded to the Sheriff for his review, and to various components to ensure accessibility to employees and the public.

**NOTE:** This report cannot be completed until all cases from the previous calendar year are closed.

### ***XIV. 18<sup>TH</sup> JUDICIAL CIRCUIT MANDATORY DISCLOSURE POLICY***

- A. In *Brady v. Maryland*, 373 U.S. 83, 87 (1963), the United States Supreme Court held that "suppression by the prosecution of evidence favorable to an accused violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." The duty to disclose such evidence is applicable even though there has been no request by the accused for the evidence, *United States v. Agurs*, 427 U.S. 97, 107 (1976), and the duty to disclose extends to impeachment evidence in addition to exculpatory information, *United States v. Bagley*, 473 U.S. 667, 676 (1985). Additionally, the Florida Supreme Court has consistently held that "the state attorney is charged with constructive knowledge and possession of evidence withheld by other state agents, such as law enforcement officers," *Guzman v. State*, 868 So.2d 498, 503 (Fla. 2003).
- B. Exculpatory and impeachment information (hereinafter referred to as Mandatory Disclosure information) generally impacts State Attorney's Office (SAO) prosecutions in one of two ways. The information either relates to a specific criminal investigation (e.g., the information tends to negate a particular defendant's guilt, impacts the admissibility of evidence collected during a specific investigation, or is with regard to a witness's credibility to testify in a prosecution resulting from the investigation), or the information is with regard to a recurring government witness (e.g., misconduct on the witness's part evidencing dishonesty or bias, evidence tending to show the witness's motive to lie, or, in the case of an expert witness, a pattern of confirmed performance errors that could compromise the expert witness's conclusions).
- C. Sheriff's Office members are advised that their ability to testify in court can be adversely affected by sustained violations involving untruthfulness and/or violations of the law. The SAO has requested that information on these violations be turned over to their office. Therefore, sustained violations will be reported to the SAO through the procedure outlined below.
- D. The Lieutenant of Professional Standards (or designee), after consulting with the Sheriff's Chief Counsel, will provide the following information to the SAO (State Attorney or the Chief Assistant State Attorney for Seminole County) at the conclusion of an administrative investigation or supervisory inquiry:

1. Information on sustained findings of misconduct involving an employee's dishonesty, believability, or moral turpitude (this includes but is not limited to, any sustained findings or violations stemming from a false verbal or written statement, or from tampering with or fabricating, evidence or violations of ss. 90.6081, 90.6092, or 90.6103, F.S.).
2. Information on sustained findings regarding allegations of an employee's excessive use of force.
3. Information regarding any pending criminal charge against an employee. **NOTE: The information regarding any pending criminal charge against an employee may be provided to the SAO prior to the conclusion of an administrative investigation or supervisory inquiry.**
4. Any closed criminal prosecution against an employee that resulted in the filing of a Notice of No Information or a Nolle Prosequi or resulted in an adjudication of guilt or a withhold of adjudication, including probationary sentences or violations of probation.
5. Information on sustained findings regarding an employee's biased policing, racial profiling, malicious harassment, or any other conduct that suggests a bias against a particular person or class of people (i.e., race, ethnicity, age, sexual orientation, gender, disability, economic status, or other characteristics); and
6. In the case of recurring government witnesses who testify in an expert capacity (i.e., crime scene investigators or technicians or crime laboratory personnel), information on a pattern of confirmed performance errors could compromise an expert's conclusion.