


<b>POLICY 117.8</b>	<b>COMPLAINT PROCESSING AND DOCUMENTATION</b>	
	REVISED: 08/23; <b>11/24</b>	RELATED POLICIES: <b>I.A. SOP</b>
	CFA STANDARDS: <b>CHAPTERS 6, 7, 15, AND 20</b>	RESCINDS POLICY: 117.3 & 117.4
		REVIEWED: AS NEEDED
		<b>THIS VERSION EFFECTIVE DATE: NOVEMBER 4, 2024</b>

**A. POLICY**

1. It is important, to the community and department employees, that the professional, ethical, legal, and competency standards of the Police Department are maintained. It is therefore important that appropriate disciplinary action be initiated against any employee who breaches these standards. It is equally important that all employees be protected against inaccurate allegations of impropriety. It is the policy of the Police Department to achieve these goals through effective internal investigations.
2. The Office of Internal Affairs is an investigative unit which acts on behalf of the Chief of Police and coordinates inquiries related to improper conduct attributed to the department in general, or to any of its employees.
3. It is also the policy of the Police Department that members encourage citizens to bring forward complaints regarding inadequate police service or misconduct by members of the department and that those complaints will be received courteously and without delay. Members of the department shall assist and cooperate in the expeditious and impartial processing of citizen complaints consistent with established procedures.
4. Employees shall not be subjected to retaliatory adverse employment actions because they made or participated in an Internal Affairs complaint pursuant to this policy. “Adverse employment action” means the discharge, suspension, demotion, or discipline of any employee, or the reduction in salary or benefits.

**B. DEFINITIONS**

1. Administrative Investigations- An official review of information related to any suspected violation of department policy or procedure where information exists to reasonably believe that the employee may have committed the violation, which could lead to disciplinary action.
2. Citizen Concern- Objections by an individual to department policies, procedures, or tactics but appropriate in accordance with department directives and employee safety.
3. Complaint- Any allegation of misconduct, violation of law, or of department policy or procedure by any member, whether initiated by citizens or another department member.

4. Conclusions of Fact/ Investigative Findings: Final determination about allegations based on investigative activities. Classifications of investigative findings may include exonerated, sustained, not sustained, unfounded, and policy failure.
  - a. Exonerated - The allegation in fact did occur, but the actions of the department employee were legal, justified, and proper.
  - b. Not Sustained - The investigation failed to produce a preponderance of evidence to either prove or disprove the allegations.
  - c. Policy Failure - A finding or conclusion that current policies, procedures, rules, or regulations covering the situation were non-existent or inadequate; or the employee followed policy, but the investigation reveals policy changes are recommended.
  - d. Sustained - The investigation produced a preponderance of evidence to substantiate the allegation of an act which was determined to be misconduct.
  - e. Unfounded - The allegation concerned an act by a department employee which did not occur.
5. Fast Track Administrative Resolution – A voluntary option for employees accused of Category 2 complaint utilized to expedite the resolution of minor infractions.
6. IAPro Blue Team-Web based program designed to allow supervisors to enter and manage incidents from “the field.” Incidents include Use of Force, complaints, vehicle accidents, and vehicle pursuits.
7. IAPro- Incident tracking software designed to provide early identification and intervention based on configurable thresholds in such area as, citizen complaints, administrative reviews, initial reviews, IA investigations, vehicle accidents, use of force incidents, vehicle pursuits.
8. Preliminary Reviews- An initial investigation conducted by the Internal Affairs Unit to determine if the complaint is an allegation of misconduct or a misunderstanding of law, departmental written directive and/or procedure.

## **C. PROCEDURE**

1. “Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person<sup>1</sup>.”
2. Any complaint, regardless of category, may be lodged with any member of the department. Complaints shall be accepted in any form to include, in writing, in person, by telephone, or any other electronic means of communication. Any department member receiving a complaint against a department employee shall immediately contact a police supervisor. If the concern includes allegations of a

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<sup>1</sup> Florida State Statute 112.533(1)(a)

policy violation, then the supervisor shall interview the complainant and initiate an IAPro Blue Team entry. All complaints against personnel shall be investigated by the employee's Chain of Command or Internal Affairs personnel in compliance with department policies, collective bargaining agreements and/or the Police Officer's Bill of Rights (Florida State Statute 112.532).

3. When a department employee is investigated for a policy violation a finding of sustained, not sustained, unfounded, policy failure, or exonerated shall be rendered. All open investigations are confidential and all records and documents pertaining to the investigation shall be maintained in a secure area.
4. It is the intention of this policy to ensure all complaints reported to this department are thoroughly documented, reported, and investigated. Members receiving complaints should make every reasonable effort to document the event as described in this policy. If, after completely explaining the process, the complainant does not desire to lodge the complaint verbally a Police Employee Recognition/Complaint Form will be made available. The distribution of a Form will in no way absolve a department member from the standard procedure of documenting and forwarding complaints or allegations. Rather, the availability and dissemination of the form should be considered only when the other means of reporting have been exhausted, or the complainant specifically requests the form. Police Employee Recognition/Complaint Forms are available on the Department Templates and at Police Supply. Department members are required to carry said forms. Completed forms received by any department member shall immediately be forwarded to the employee's supervisor.
5. The Office of Internal Affairs utilizes IAPro software to coordinate the receiving, processing, recording, and tracking of internal investigations arising from citizens and internal complaints.
6. The Office of Internal Affairs will maintain statistical analysis of complaints and other pertinent data to identify trends or patterns developing within the department or by individual officers and make recommendations in an effort to correct identified issues.

#### **D. CITIZEN COMPLAINTS**

1. For administrative purposes, complaints are divided into two categories:
  - a. Category I - formal investigations.
    - (1). Excessive use of force.
    - (2). False arrest.
    - (3). Violations of a specific criminal statute.
    - (4). Serious or significant complaints of misconduct; and

- (5). Any allegation of racial, sexual, or gender bias, sexual or workplace harassment.
    - b. Category II - complaints related to inadequate police service and allegations lodged against members of the department that are not included in Category I.
2. Procedures for accepting complaints for Category I:
  - a. All Category 1 complaints will be forwarded to the Office of Internal Affairs at the time of the complaint. Complaints shall be accepted in any form to include, in writing, in person, by telephone, or any other electronic means of communication.
  - b. The Office of Internal Affairs shall have primary responsibility for the investigation of all Category I complaints. Category I complaints shall be referred to the Office of Internal Affairs.
3. Procedures for accepting complaints for Category II:
  - a. Investigation of Category II complaints shall be the primary responsibility of the command involved.
  - b. Employees of the department are to notify their immediate supervisor of any concern or complaint received. Supervisors will determine if the allegation is a complaint and if so, they will properly document the complaint in an IAPro Blue Team entry. The supervisor will immediately notify the next higher level of command upon receipt of any complaint.
  - c. Citizens initiating Category II complaints shall be referred to the subject employee's supervisor. If the employee's supervisor is not immediately available, any supervisor shall record the complaint by initiating an entry into IAPro Blue Team and assigning it to the employee's supervisor for investigation. If a Police Employee Recognition/Complaint Form was received, it will be scanned and attached to the IAPro Blue Team entry.
  - d. If the Office of Internal Affairs receives a Category II complaint, an IAPro Blue Team will be initiated and assigned to the employee's supervisor. If a Police Employee Recognition/Complaint Form was received, it will be scanned and attached to the IAPro Blue Team entry.
    - (1). The Office of Internal Affairs may also investigate Category II complaints in certain instances at the direction of the Chief of Police or designee.

## **E. INVESTIGATIVE CONSIDERATIONS**

1. In any situation or incident of a critical or emergency nature, the officer in charge may, at his/her discretion, request the immediate investigative assistance of the Office of Internal Affairs.

2. All investigations of sworn personnel shall be conducted in compliance with FSS: 112.531-112.535, department policy, and collective bargaining agreements. The Office of Internal Affairs shall notify any employee when they are under investigation for an allegation involving a policy violation during an internal investigation and issue the employee a written statement of the allegation(s) and the member's employee's rights and responsibilities relative to the investigation, prior to the interrogation of the subject employee. Notification involving allegations related to an ongoing pattern of misconduct or where notification would have a chilling effect upon the ability to investigate are discretionary.
3. In investigations where no criminal prosecution is anticipated, investigators may compel the employee to submit to any of following to prove or disprove the allegation of misconduct provided that the employee's constitutional right to privacy is not improperly invaded:
  - a. Medical or laboratory examinations.
  - b. Photographs taken of members for the purpose of the investigation.
  - c. Line-ups.
  - d. Financial disclosure statements.
4. In investigations where criminal prosecution is anticipated, the employee under investigation shall not be administratively compelled to submit to any procedure in E. 3. above.
5. Investigations will be completed and submitted for staff review in a timely manner. Absent tolling provisions as set forth in FSS 112, an administrative investigation received shall be completed within 180 days of the department's notice of alleged misconduct.
6. The employee's Assistant Chief or designee shall note the disposition. The disposition must come to one of the following: Sustained, Not Sustained, Unfounded, Exonerated, or Policy Failure.

#### **F. COMPLETED INTERNAL AFFAIRS CATEGORY I INVESTIGATIONS**

1. Completed Internal Affairs investigations shall be forwarded for review to the following:
  - a. The Assistant Chief of the subject employee's bureau.
  - b. Police Legal Advisor.
  - c. Chief of Police or designee.
2. The Chief may establish a reviewing committee. The reviewing committee will be comprised of the following individuals:

- a. Chief of Police.
  - b. Employee's Assistant Chief.
  - c. Internal Affairs personnel.
  - d. Police Legal Advisor
  - e. Member(s) of Command staff selected by the Chief.
3. The reviewing committee may offer recommendations for the Chief's consideration, regarding the disposition and/or any corrective action. The Chief will ultimately decide the investigation's disposition and any discipline and or any corrective action that may be implemented.
  4. When the investigation results in a determination of sustained, not sustained, unfounded, policy failure, or exonerated, the employee's Assistant Chief or designee will notify the accused employee, the employee's supervisors, and the appropriate bargaining unit in writing. At the completion of every complaint investigation, the complainant and the subject employee shall be notified in writing of the disposition concerning the allegation of misconduct. Cases with the finding of policy failure will require the Internal Affairs Commander to recommend the appropriate corrective measures to the Chief of Police.
  5. The Chief of Police or his/her designee will inform the employee of the finding and the recommended disciplinary action, in writing. Except in the case of a reprimand, the Chief of Police shall then forward his recommendation to the City Manager for action.
  6. If the sustained allegation is a violation of Chapter 943, Florida State Statute or FDLE Division of Professional Compliance Rule 11B-27.0011 involving moral character violation, the Internal Affairs Commander or designee shall submit CJSTC Form 78 with all supporting documentation to the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission (CJSTC).
  7. All letters of reprimand will be authored by the Internal Affairs Commander or his/her designee for the required signatures, to be issued by the employee's chain of command.
  8. All letters of suspension/dismissal shall be composed by the Internal Affairs Commander or his/her designee for signature by the Chief of Police or designee. The disciplinary letter shall be provided to the affected employee and shall indicate the effective date and reason for the suspension/dismissal together with a statement outlining the employee's rights.
  9. The Training Unit will be notified of those completed investigations which require the employee to attend remedial training. The employee's chain of command will follow up to assure that the training has been completed.

10. The Office of Internal Affairs will send a copy of the final disposition of the complaint, together with any disciplinary / corrective actions to the Police Personnel/Payroll Unit for inclusion in the employee's personnel file. All employees' personnel files are stored securely.
11. Closed Internal Affairs investigative records, reports, and disciplinary records including subsequent correspondence related to the disciplinary appeal process, are to be maintained in a secure file, in accordance with State records retention schedules, and are subject to review and release only in conformance with department policies and public records laws<sup>2</sup> except that the involved employee(s) shall have the ability to review the closed investigation in the Office of Internal Affairs at a reasonable time and with reasonable notice.

## **G. CATEGORY II INVESTIGATIONS**

1. A preliminary review of the investigation will be completed by the employee's Chain of Command, to determine the following course of action:
  - a. The Chief of Police or his/her designee, at his/her her sole discretion, may offer the subject employee the opportunity to handle the matter through the Fast Track Administrative Resolution, (FTAR) if applicable. The procedures for FTAR are outlined in section H of this policy.
  - b. If FTAR is not utilized the supervisor will conduct a thorough and complete investigation.
2. Completed Category II investigations:
  - a. Upon conclusion of a Category II complaint, the investigating supervisor will indicate a disposition recommendation in IAPro Blue Team and forward the investigation through IAPro Blue Team to their Chain of Command for approval. The employee's Assistant Chief will determine the investigation's disposition and recommend to the Chief of Police any discipline and or any corrective action that may be implemented. When the disposition is approved by the reviewing authority, the complainant and the accused member shall be notified in writing of the disposition and any corrective action of the investigation. These notifications will be completed by the employee's Assistant Chief or designee.
  - b. After the review process is completed and the disposition notification has been made, the investigation and all related documentation will be sent to the Office of Internal Affairs via IAPro Blue Team for review. The Office of Internal Affairs will archive the investigation in IA Pro.

## **H. FAST TRACK ADMINISTRATIVE RESOLUTION**

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<sup>2</sup> FSS Chapter 119

1. Fast Track Administrative Resolution (FTAR) is available for employees who realize and voluntarily admit they committed a minor policy violation and wish to expedite disposition of the matter. An employee who is the subject of an Administrative Investigation for a Category 2 complaint may be offered the opportunity to participate in an expedited disposition of the case as described below. FTAR must be utilized within 45 days of when the complaint is received. Voluntary admissions of minor policy violations through the FTAR process shall be considered “Sustained”, however the disposition of an FTAR may only result in one of the following:
  - a. Supervisor/Employee Interview (Counseling).
  - b. Training.
  - c. Written reprimand.
2. Purpose of a Fast Track Administrative Resolution (FTAR)
  - a. The purpose of this option is to expedite the disposition process and reduce the amount of resources needed to reach a resolution. This process is to provide the subject employee with a resolution in a significantly shorter amount of time without having to be interviewed.
  - b. On a purely voluntary basis, the FTAR can afford the subject employee the opportunity to acknowledge having violated department policy and preemptively accept the disposition by the Chief of Police, rather than proceed with a lengthy investigation and disciplinary appeal.
  - c. Any agreement reached between the subject employee and the department shall not establish binding precedent on the Chief of Police in other cases.
3. Procedures for a Fast Track Administrative Resolution (FTAR)
  - a. FTR Step 1 – Notification of Investigation and FTAR Offer
    - (1). When a supervisor receives a complaint or becomes aware of a potential policy violation, such supervisor shall review the matter with the employee’s chain of command to include the bureau’s Assistant Chief. After this review, the Chief of Police or his/her designee, at his/her sole discretion, may offer the subject employee the opportunity to handle the matter through an FTAR.
    - (2). If the matter is deemed appropriate for an FTAR by the Chief of Police or his/her designee, the subject employee shall be notified in writing within 30 days after the bureau Assistant Chief becomes aware that the employee may be the subject of an Administrative Investigation. Within this notification, the assigned investigating supervisor will indicate the specific policy violation(s) under investigation and shall offer the subject employee an opportunity to participate in an FTAR.



- (3). Once the supervisor offers the option of a FTAR, the subject employee has ten (10) calendar days to complete and return the Fast Track Administrative Resolution Response Form to the bureau Assistant Chief via their Chain of Command. This form shall serve as notice that the subject employee would like to participate in the FTAR process. If a response is not received within ten (10) calendar days, the supervisor shall conduct the investigation as outlined in Category II Complaint Investigations of this policy.
- (4). By signing the Fast Track Resolution Response Form, the subject employee agrees that:
  - (a). The employee is participating in the FTAR process freely and without any expressed or implied threat, promise or intimidation.
  - (b). The employee does not wish to contest the factual allegations in the complaint and waives all further appeals concerning the investigation and discipline imposed through the FTAR process.
  - (c). The employee waives their rights under Chapter 112, F.S. "Law Enforcement Officers' and Correctional Officers' Rights."
  - (d). If applicable, the employee must still participate in a witness interview concerning the same investigation involving another subject employee.
  - (e). The employee understands and agrees that the disposition by the Chief of Police is final.
- (5). Upon the subject employee signing and returning the FTAR Response Form, the investigator shall then complete the FTAR Final Disposition Form.

b. FTAR Step 2 – Chain of Command

- (1). The Fast Track Administrative Resolution Response & Final Disposition Forms will be forwarded to the employee's Assistant Chief for review. Once the Assistant Chief has completed his/her review, the forms shall be forwarded to the Chief of Police for final disposition. The completed forms will then be forwarded to the Internal Affairs Unit who will notify the subject employee of the disposition of the case.

- (2). FTAR Step 2 shall be completed within 30 days from the date in which the bureau Assistant Chief receives the signed Fast Track Administrative Resolution Response Form from the subject employee.
- (3). Once FTAR Step 2 is completed, the FTAR is considered closed, and the subject employee will receive a copy of the finalized forms in writing.
- (4). The investigating supervisor will complete the Administrative Investigation entry into IAPro Blue Team and link electronic copies of the finalized forms entry.

## **I. PURGING OF COMPLAINTS**

All complaints received against employees of the department shall be purged once it has met the minimum retention requirement in accordance with the Florida State Statute and records retention schedules GS 1 and GS 2.