

<b>SUNRISE POLICE DEPARTMENT</b>  POLICIES AND PROCEDURES MANUAL  CHAPTER 34  EMPLOYEE CONDUCT COMPLAINTS	Effective Date	05/01/87
	Revision Date	07/21/20
	Revision No.	1.4
	Page No.	1 of 11
	Approval:	

34. PURPOSE

The purpose of this policy is to inform all employees of procedures for accepting, processing and investigating complaints concerning allegations of employee misconduct. This policy defines provisions applicable only to investigation and disposition of allegations of administrative misconduct.

34.1. REVISION HISTORY

<u>Date</u>	<u>Rev. No.</u>	<u>Change</u>	<u>Reference Section</u>
05/01/87	1.0	New Policy	Employee Conduct Complaints
11/08/91	1.1	Language change	34.2.2. – 34.2.3., 34.2.6., 34.2.7.2.6., 34.2.8. – 34.2.9., 34.2.11.1., 34.2.13.1., 34.2.13.1.1., 34.2.14.1.
08/25/93	1.2	Copies of Written Reprimand, Authority To issue Suspension; Assistant Chief; Addition Of CJSTC.	34.2.13.3., 34.2.13.4., 34.2.14.34.3.
02/01/11	1.3	Complaint Processing	34.3.1., 34.4.1. – 34.4.2.,34.6.1. – 34.6.1.3., 34.6.1.8. – 34.6.1.9.,34.6.2.1.4., 34.6.3.- 34.6.3.3.1., 34.6.4.
07/21/20	1.4	Deleted IA handling All level one complaints, Added handling of Complaints, Deleted Procedures for level two Complaint, Added other Than IA handling complaint,	34.6.2.1.2., 34.6.2.1.3., 34.6.3.3.-34.6.3.3.2., 34.6.4.3., 34.6.4.4.5.1., 34.6.4.5., 34.6.6.1.6.2.

Changed Detective Supervisor  
To the appropriate person,  
Changed memo to IA  
Complaint Form, Added  
Training time frame.

34.2. PERSONS AFFECTED

All Police Personnel

34.3. POLICY

34.3.1. It is the policy of the Sunrise Police Department to accept and investigate fairly and impartially all complaints against the Department or its members. This is accomplished to determine the validity of allegations and to impose any disciplinary actions that may be justified in a timely and consistent manner. (CFA: 20.01)

34.4. DEFINITIONS

34.4.1. Employee or Member - Any sworn or civilian personnel employed by the Department. This term also applies to police trainees who have not been certified by the Criminal Justice Standards and Training Commission nor sworn to act as a police officer.

34.4.2. Preliminary Complaint Report (PCR) – A Department form used to document allegations of employee misconduct.

34.5. RESPONSIBILITIES

34.5.1. All police personnel are responsible for complying with this policy. Supervisory Personnel are responsible for the enforcement of this policy. Unjustified violations may result in disciplinary action, up to and including termination.

34.5.2. This Policy is not intended to be all-inclusive. It is intended to be a general guideline to be read in conjunction with all other Department rules, regulations, policies and procedures, as well as other City rules and ordinances.

34.6. PROCEDURES

34.6.1. Receipt of Employee Conduct Complaints:

34.6.1.1. Any complaint generated or received against either the Department or its employee(s) shall be investigated, including anonymous complaints.

34.6.1.2. Employee conduct complaints may be received from any source. This includes, but is not limited to, any citizen complaint, a complaint received by telephone, letter, from City Hall, a Department employee, supervisor, anonymous complaint, or any other source.

34.6.1.3. All complaints of alleged employee misconduct will be referred to the employee's immediate supervisor if available. In the absence of the employee's supervisor, any available Department supervisor is required to take the complaint.

34.6.1.4. When an employee who is not a supervisor receives a complaint from a citizen or otherwise becomes aware of possible misconduct on the part of another member of the Department, the employee shall immediately notify a supervisor.

34.6.1.4.1. If a supervisor is unavailable, all callback information pertaining to the complainant will be obtained and forwarded to a supervisor who will then contact the complainant as soon as possible.

34.6.1.5. It must not appear to the citizen making the complaint that the Department is not taking the complaint seriously.

34.6.1.6. A Preliminary Complaint Report (referred to as a PCR) will be the approved Department form that is used to record a complaint against an employee. The supervisor, who first generates or receives a complaint, shall complete a PCR.

34.6.1.7. The complainant should sign the PCR at the time that the complaint is received. If the complainant refuses to sign the PCR, the report will still be completed, however, that notation reference the refusal shall be noted in the PCR.

34.6.1.8. It is also recommended that the supervisor taking the complaint attempt to obtain a written account of the complaint from the complainant.

34.6.2. Level of Complaints:

34.6.2.1. The Department has established two levels of complaints. Each of these levels is assigned an appropriate procedure for investigation. The two levels of complaints are identified as follows:

34.6.2.1.1. Level One - Refers to complaints concerning:

34.6.2.1.1.1. Criminal Violations

34.6.2.1.1.2. Civil Rights Violations

34.6.2.1.1.3. Brutality

34.6.2.1.1.4. Any major wrongdoing on the part of an employee

34.6.2.1.2. Level Two - Refers to complaints concerning:

34.6.2.1.2.1. Attitude

34.6.2.1.2.2. Language

34.6.2.1.2.3. Response to calls for service

34.6.2.1.2.4. Manner in which a particular call was handled

34.6.2.1.2.5. Any minor violation or situation in which the complainant was not satisfied with the action or lack of action taken by an employee.

34.6.2.1.3. The Internal Affairs Unit will normally handle all complaints unless otherwise directed by the Chief of Police. Level two complaints can still be handled at the Division level by line supervisors with consideration for employee rights. (CFA: 20.01 A,B,C)

34.6.3. Complaint Processing:

34.6.3.1. Should the initial supervisor receive or generate a complaint, the supervisor will document the incident on a PCR and forward to the Chief of Police via chain of command; a copy will also be forwarded to the Internal Affairs Unit. (CFA: 20.01C)

34.6.3.1.1. Should the complaint be on an employee of equal or higher rank than the initial supervisor, he/she shall notify the next level of the chain of command.

34.6.3.1.2. A member of the chain of command may be bypassed if the complaint is lodged against that member.

34.6.3.2. Exception: the highest ranking supervisor on duty shall immediately notify both the Chief of Police and the Internal Affairs Unit, via chain of command if, in his/her opinion, he/she feels an incident is of a serious nature which would require immediate attention. Examples include, but are not limited to:

34.6.3.2.1. Officer involved shootings;

34.6.3.2.2. Serious injury to an officer, victim, or an arrestee;

34.6.3.2.3. Arrest of a Department employee.

34.6.3.2.4. Criminal Misconduct.

34.6.4. Complaint Investigation:

34.6.4.1. Regardless of whether the complaint was determined to be either a Level One or Level Two complaint, all PCRs will be initially reviewed by the Chief of Police with Internal Affairs.

34.6.4.2. The Chief of Police, along with Internal Affairs will determine at what level the complaint can best be investigated.

34.6.4.3. If it is determined that someone other than a member of Internal Affairs is to investigate the complaint, the PCR will be returned to the appropriate Division Commander for investigative assignment. (CFA: 20.01A)

34.6.4.4. Once the investigating supervisor receives the PCR, an investigation may then commence. The following guidelines should be used for investigations:

34.6.4.4.1. All personnel investigating complaints must be aware of citizens' rights and the officers' rights with respect to due process and the officers' Bill of Rights.

34.6.4.4.2. Complainant:

34.6.4.4.2.1. The investigating supervisor will promptly make arrangements to meet with the complainant.

34.6.4.4.2.2. The meeting should take place in a quiet location so as to avoid interruptions.

34.6.4.4.2.3. The complainant shall be asked to sign the PCR.

34.6.4.4.2.4. The complainant shall be asked to sign the form that outlines Florida State Statutes concerning the Officers Bill of Rights, Disclosure of Internal Affairs Complaints and Perjury in an Official Proceeding.

34.6.4.4.2.4.1. If the complainant refuses to sign the Officers Bill of Rights, Disclosure of Internal Affairs Complaints and Perjury in an Official Proceeding, the form will still be completed, however, a notation reference the refusal shall be noted in the form.

34.6.4.4.2.5. The investigating supervisor will ask the complainant to provide a taped statement regarding the details of the complaint.

34.6.4.4.2.6. If the complainant is unable or unwilling to meet, he/she should be offered the opportunity to provide a taped statement over the phone.

34.6.4.4.2.7. The complainant should be advised that upon completion of the investigation, he/she will be notified in writing of the conclusion of fact and disposition of the complaint by the Internal Affairs Unit.

34.6.4.4.3. Witness:

34.6.4.4.3.1. The investigating supervisor will identify all witnesses or potential witnesses to the incident identified in the complaint.

34.6.4.4.3.2. The investigating supervisor will attempt to contact all witnesses or potential witnesses and make arrangements to meet.

34.6.4.4.3.3. The meeting should take place in a quiet location so as to avoid interruptions.

34.6.4.4.3.4. Witnesses should be interviewed separately from each other.

34.6.4.4.3.5. The witness(s) will be asked to sign the form that outlines Florida State Statutes concerning the Officers Bill of Rights, Disclosure of Internal Affairs Complaints and Perjury in an Official Proceeding.

34.6.4.4.3.5.1. If the witness refuses to sign the Officers Bill of Rights, Disclosure of Internal Affairs Complaints and Perjury in an Official Proceeding, the form will still be completed, however, a notation reference the refusal shall be noted in the form.

34.6.4.4.3.6. The investigating supervisor will ask the witness(s) to provide a taped statement regarding the details of the complaint.

34.6.4.4.3.7. If the witness(s) is unable or unwilling to meet, he/she should be offered the opportunity to provide a taped statement over the phone.

34.6.4.4.4. Employee Under Investigation:

34.6.4.4.4.1. The process for conducting employee investigations can be located in Chapter 33 - Internal Affairs Investigations. Investigating supervisors will reference those sections for guidance regarding the investigation of Department Employees.

34.6.4.4.5. Transcriptions:

34.6.4.4.5.1. The investigating supervisor shall send the recording of the statement to the appropriate person(s) for transcription.

34.6.4.4.5.2. After the recording has been transcribed and returned, the investigating supervisor will review it for accuracy.

34.6.4.5. When the investigation is completed, the supervisor will detail all information on the Internal Affairs Complaint Form and attach to the PCR.

34.6.4.5.1. The supervisor, in consultation with the Shift Commander and/or Division Commander, should recommend a level of discipline.

34.6.4.5.2. The level of discipline should be recommended based upon the severity of the incident and the employee's disciplinary history.

34.6.4.6. The PCR and all accompanying paperwork will then be sent to Internal Affairs, via the chain of command.

34.6.5. Conclusion of Fact: (CFA: 20.04)

34.6.5.1. Internal Affairs will review each PCR with the Chief of Police. After his/her review of the investigation documentation and recommended discipline, the Chief of Police may issue his findings in one of the following categories:

34.6.5.1.1. UNFOUNDED: The complaint is without foundation, basis, or did not occur.

34.6.5.1.2. NOT SUSTAINED: The complaint is not established by the evidence and can be neither proven nor disproven by the evidence available.

34.6.5.1.3. SUSTAINED: The validity of the complaint has been established and proven by the evidence.

34.6.5.1.4. EXONERATED: The incident occurred but employee actions were justified, lawful, and proper.

34.6.6. Disciplinary Disposition (Levels of Discipline): (CFA: 7.02C)

34.6.6.1. Investigating supervisors along with members of the chain of command may recommend certain levels of discipline. Sustained complaints will be resolved at the discretion of the Chief of Police, who is not limited to the recommended discipline. Every effort will be made to ensure that the level of discipline will be issued in accordance with progressive discipline. The following levels of discipline may be recommended:

34.6.6.1.1. Counseling: (CFA: 7.02B)

34.6.6.1.1.1. The purpose of counseling is to allow the supervisor to bring to the employee's attention the need to improve their performance, work habits, behavior or attitude and to serve as a warning against further repetition of the unsatisfactory conduct. The supervisor should utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved.

34.6.6.1.1.2. No member will be served a counseling until it has been reviewed and signed by the Chief of the Police and associated chain of command.

34.6.6.1.1.3. Once approved by the Chief of Police, the member will receive the counseling and sign the PCR acknowledging receipt of a copy of the form. The member will be provided a copy of the PCR.

34.6.6.1.1.4. The original PCR and accompanying documentation will be forwarded to the Internal Affairs Unit.

34.6.6.1.2. Written Reprimand:

34.6.6.1.2.1. In situations where a previous counseling has not resulted in the expected improvement, or when an employee commits a more serious offense, a written reprimand should be given to the employee. This shall include a complete description of the incident(s) of misconduct, and refer to specific times, dates, locations, personnel involved, and rules violated.

34.6.6.1.2.2. No member will be served a written reprimand until it has been reviewed and signed by the Chief of the Police and associated chain of command.

34.6.6.1.2.3. Once approved by the Chief of Police, the member will receive the written reprimand. A signature sheet, which will be created on a department memorandum, will be signed by the employee receiving the reprimand acknowledging receipt. The member will be provided a copy of the memorandum.

34.6.6.1.2.4. The original PCR and accompanying documentation will be forwarded to the Internal Affairs Unit.

34.6.6.1.3. Suspension:

34.6.6.1.3.1. In the event offenses are continued or repeated and the employee has already received a counseling or written reprimand, or if the nature of the offense is serious, an employee may be suspended for a specific period of time.

34.6.6.1.3.2. No member will be served a suspension until it has been reviewed and signed by the Chief of the Police and associated chain of command.

34.6.6.1.3.3. Once approved by the Chief of Police, the member will receive the suspension and sign the memorandum acknowledging receipt. The member will be provided a copy of the memorandum.

34.6.6.1.3.4. The original PCR and accompanying documentation will be forwarded to the Internal Affairs Unit.

34.6.6.1.3.5. All incidents of suspension shall also be documented in a letter signed by the Chief of Police or designee, with the original letter given to the suspended member.

34.6.6.1.4. Demotion:

34.6.6.1.4.1. In cases where the only alternative to demotion would be dismissal from the Department and the Chief of Police deems it is in the best interest of the Department, such demotion may be utilized as a means of retaining the employee.

34.6.6.1.4.2. No member will be served a demotion until it has been reviewed and signed by the Chief of the Police and associated chain of command.



34.6.6.1.4.3. Once approved by the Chief of Police, the member will receive the demotion and sign the memorandum acknowledging receipt. The member will be provided a copy of the memorandum.

34.6.6.1.4.4. The original PCR and accompanying documentation will be forwarded to the Internal Affairs Unit.

34.6.6.1.4.5. All incidents of demotion shall also be documented in a letter signed by the Chief of Police or designee, with the original letter given to the demoted member.

34.6.6.1.5. Dismissal:

34.6.6.1.5.1. For a continued series of minor offenses, repetition of more serious offenses, or possibly on the first occurrence of a serious offense, a member may be dismissed from the Department.

34.6.6.1.5.2. If the member's alleged conduct is serious enough to warrant dismissal, the member may be placed on suspension, with or without pay, pending the outcome of the investigation.

34.6.6.1.5.3. No member will be served a dismissal until it has been reviewed and signed by the Chief of Police and associated chain of command.

34.6.6.1.5.4. Once approved by the Chief of Police, the member will receive the memorandum documenting the dismissal.

34.6.6.1.5.5. The original PCR and accompanying documentation will be forwarded to the Internal Affairs Unit.

34.6.6.1.5.6. When a misconduct investigation results in dismissal, the affected member will be provided the following information, in writing, from the Chief of Police: (CFA: 7.04 A, B, C)

34.6.6.1.5.6.1. The reason for the dismissal;

34.6.6.1.5.6.2. The effective date of the dismissal;

34.6.6.1.5.6.3. A statement outlining the employee's rights.

34.6.6.2. Any sustained allegation that is a violation of Florida Statute 943.13(4) or (7) will be reported to the Florida Department of Law Enforcement, Division of Criminal Justice Standards and Training. (CA: 20.01H)

34.6.6.1.6. Training:

34.6.6.1.6.1. If the investigating supervisor determines that infractions or poor work quality are the result of a lack of knowledge of Policy and Procedures, the supervisor may request additional

training for the affected employee, in writing, on a memorandum through the Chief of Police, via chain of command.

34.6.6.1.6.2. The purpose of additional training is to assist the employee in correcting and improving their performance level. Supervisors will ensure that the required training be initiated and completed by the involved member as soon as practical but not to exceed six (6) months. This will be coordinated with the Training Unit.

34.6.6.1.6.3. Training may be required in addition to other types of disciplinary sanctions.

34.6.6.1.6.4. If necessary, the employee may be assigned to the Training Unit for remedial training.

34.6.6.1.6.5. Remedial training shall begin and be completed with consideration given to: (

34.6.6.1.6.5.1. The type of training needed.

34.6.6.1.6.5.2. Staffing.

34.6.6.1.6.5.3. Availability of an instructor for the desired subject.

34.6.6.1.6.6. Training is not disciplinary action and will not be initially documented on a PCR; however, should the final recommendation of an existing PCR be deemed training, then “Training” will be noted as the final recommendation on the PCR.

34.6.6.1.6.7. No member will be served a training PCR until it has been reviewed and signed by the Chief of the Police and associated chain of command.

34.6.6.1.6.8. Once approved by the Chief of Police, the member will receive the training PCR acknowledging receipt of a copy of the form. The member will be provided a copy of the PCR.

34.6.6.1.6.9. The original PCR and accompanying documentation will be forwarded to the Internal Affairs Unit.

34.6.7. Authority to Approve Disciplinary Action (CFA: 7.03):

34.6.7.1. The Chief of Police has final authority to approve any and all disciplinary action.

34.6.7.2. Allegations of misconduct not covered by Department Policy will be reviewed to determine if the need for a policy addition and/or revision exists to prevent future allegations of misconduct as well as the need to modify or expand training.

34.6.8. Relief of Duty: (CFA: 2.07)

34.6.8.1. When a member poses an immediate threat to the safety and well being of other Department members or the citizenry of the City of Sunrise, any supervisor higher in rank than that

member may immediately relieve that member from duty and follow the established disciplinary procedure.

34.6.8.2. For example, a member who reports for work intoxicated shall be immediately relieved from duty.

34.6.8.3. The supervisor relieving the member of duty shall immediately notify the Chief of Police, via chain of command, of such action.

34.6.8.4. The supervisor shall state the circumstances of the matter concerning the member's relief in writing on a PCR to the Chief of Police, via the chain of command, and a copy shall be forwarded to Internal Affairs. The facts upon which the complaint is based will be described in full.

34.6.8.5. A member relieved from duty shall not be restored to duty, pending an investigation of the charges for which they were relieved from duty, except by the direction of the Chief of Police.

34.6.9. Reporting Procedures, Confidentiality, and Records Retention (CFA: 20.01D, E, G):

34.6.9.1. A copy of every PCR will be forwarded to the Internal Affairs Unit by the supervisor receiving/initiating the complaint immediately upon initiation for monitoring purposes.

34.6.9.1.1. Upon final disposition, copies of all documentation will be forwarded to the Internal Affairs Unit by the Chief of Police or his/her designee.

34.6.9.2. Copies of all sworn officer's misconduct complaint documentation will be kept and maintained in accordance with Florida State Statute 112.533 and copies of all employee misconduct documentation will be kept and maintained in accordance with current State of Florida Records Retention Schedule.

34.6.10. Appeal of Disciplinary Actions (CFA: 7.06):

34.6.10.1. Appeal of disciplinary actions will be governed by grievance procedures and arbitration procedures.

34.6.10.2. Grievance and arbitration procedures will be pursuant to the current collective bargaining agreements.