


<b>POLICY 117.3</b>	<b>INTERNAL AFFAIRS - RESPONSIBILITY/COMPLAINT PROCESSING</b>	
	REVISED: 1/98, 6/00, 02/02, 06/05, 04/06, 03/10, 05/10, 12/12, 03/14, 05/15, <b>05/17</b>	RELATED POLICIES: <b>117.4, I.A. SOP</b>
	CFA STANDARDS: <b>4.11, 10.02, 10.05, 11.04, 11.05, 27.01, 27.02, 27.04, 27.05, 27.06</b>	REVIEWED: AS NEEDED

**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 the 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 Fort Lauderdale 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 relative to improper conduct attributed to the Police Department in general, or to any of its employees.
3. It is also the policy of the Fort Lauderdale Police Department that members of the Department encourage citizens to bring forward legitimate grievances 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.

**B. PROCEDURE**

1. A citizen complaint, regardless of category, may be lodged with any member of the Department. Complaints shall be accepted in writing, in person, or by telephone. The Department member receiving a complaint against an employee shall contact a police supervisor who will interview the complainant and record the complaint. All complaints against personnel shall be investigated by supervisory or Internal Affairs personnel. When a Department employee is charged with a policy violation a finding of sustained, not sustained, unfounded, 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.
2. A copy of all Complaint Control Forms will be forwarded to Internal Affairs at the time of the complaint.
3. 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 Citizen Complaint Form will be made available. The distribution of a Citizen Complaint 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. Citizen Complaint Forms are available on the Department templates and at Police Supply. Department members are required to carry said forms as they would any Departmental report. Completed Citizen Complaint forms received by any Department member shall immediately be forwarded to the Office of Internal Affairs.

### **C. CITIZEN COMPLAINTS**

1. For administrative purposes, citizen complaints are divided into two categories:
  - a. Category I - formal investigations.
    - (1). Unnecessary or excessive response to resistance;
    - (2). False arrest;
    - (3). Violations of a specific criminal statute; and
    - (4). Serious or significant complaints of misconduct.
    - (5). Any Allegation of racial, 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 citizen complaints for Category I:
  - a. Any Complaint Control Form initiated will be forwarded to Internal Affairs at the time of the complaint.
  - b. The Internal Affairs Unit shall have primary responsibility for the investigation of all Category I complaints. Category I complaints shall be referred to the Internal Affairs Unit.
3. Procedures for accepting citizen complaints for Category II:
  - a. Investigation of Category II complaints shall be the primary responsibility of the command involved.
  - b. Citizens initiating Category II complaints shall be referred to the subject employee's supervisor. If the employee's supervisor is not available, any supervisor shall record the complaint, refer it to the proper supervisor for

investigation and forward a copy to Internal Affairs at the time of the complaint.

- c. If the supervisor's investigation reveals a need for disciplinary action, all documentation with recommendations will be routed through channels to the Chief of Police. The investigation will be forwarded to Internal Affairs for processing.
- d. Internal Affairs may also investigate Category II complaints in certain instances at the direction of the Chief of Police.
- e. Employees of the Department are to notify their immediate supervisor of any complaint received. Supervisors are to properly document each complaint received and are additionally responsible to notify the next higher level of command upon receipt of any complaint.
- f. Upon conclusion of a Category II complaint, the investigating supervisor will indicate a disposition recommendation on the Complaint Control Form. When the disposition is approved by the reviewing authority, a letter regarding disposition will be sent to both the accused member and the complainant. These letters will be authored by the reviewing authority and attached to the complaint as it is sent for further review.
- g. After the review process is completed, the disposition letters will be copied and maintained as part of the file by Internal Affairs.
- h. The Internal Affairs unit will ensure the disposition letters are mailed to the member and complaining party.

#### **D. DUTIES OF THE INTERNAL AFFAIRS UNIT**

- 1. The Internal Affairs Unit will coordinate, along with Risk Management, investigations for the City Attorney in defense of civil litigation instituted against the City and/or members of the Police Department resulting from police action.
- 2. The Unit will coordinate the receiving, processing, and conducting of internal investigations arising from citizen and internal complaints.
- 3. The Unit will review all responses to resistance by Department members and make recommendations to the Chief of Police concerning these reviews when necessary.
- 4. Internal Affairs will maintain a log of all fleeing vehicle reviews.
- 5. The Unit will conduct a preliminary administrative review of all incidents involving any member whose actions result in death or serious bodily injury. Any member whose actions result in death or serious bodily injury may be removed from the line of duty and placed on administrative leave at the discretion of the Chief of Police.

6. The Unit will respond to scenes where there was a firearm discharged by any employee, whether on or off duty, if deemed necessary by the Unit Major. The unit will conduct a separate review or investigation to determine if the action is in accordance Departmental guidelines.
7. The Unit will review and coordinate all proposed disciplinary action against employees.
8. The Unit will maintain, coordinate and monitor the review of police employees' disciplinary files.
9. The Major of Internal Affairs will assist the Labor Relations Office in the processing of grievances and disciplinary appeals brought forward by the unions, or any member. The Major of Internal Affairs will maintain and control grievance records. Grievance records will be maintained in accordance with state records retention schedules, and collective bargaining agreements.
10. The Major of Internal Affairs will assist the Labor Relations attorney in the arbitration process.
11. The Major of Internal Affairs will assist the Labor Relations Office in coordinating disciplinary review boards.
12. The Unit will maintain a comprehensive central index of all Department complaints.
13. The Unit will coordinate and review all internal investigations relating to complaints.
14. A discipline folder by member name will be created and retained in Internal Affairs. This folder will contain a copy of the disciplinary action and any and all subsequent correspondence related to the disciplinary appeal process, union representation, final settlement, etc.
15. In cases of an investigation not conducted by Internal Affairs, resulting in disciplinary action, the discipline folder will contain a complete copy of the investigation and all related correspondence.
16. The Unit will maintain statistical analysis data of complaints and other pertinent data to identify trends or patterns developing within the Department or individual officers and make recommendations to correct these problems.
17. The Unit will coordinate and make available to the Citizens' Police Review Board all citizen complaints that are investigated to a finding and completed by Internal Affairs. A representative from Internal Affairs will meet with the Citizens' Police Review Board to review these cases at the Board's regularly scheduled meetings.

**E. COMPLAINTS FROM WITHIN THE DEPARTMENT**

1. Complaints regarding allegations of employee misconduct or incompetence made by Department personnel will be investigated.
2. Investigations will be processed in a similar manner to those conducted in response to citizen complaints.

**F. INVESTIGATIVE CONSIDERATIONS**

1. In any situation or incident of a critical or emergency nature, the officer in charge may, at his discretion, request the immediate assistance of the Internal Affairs Unit.
2. All investigations shall be conducted in compliance with FSS: 112.532, Department Policy and collective bargaining agreements. Internal Affairs shall notify any employee when they are going to be charged during an internal investigation and issue the employee a written statement of the allegations and the member's employee's rights and responsibilities relative to the investigation prior to the interrogation of the subject employee.
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:
  - 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 compelled to submit to any procedure in F, 3, above. In criminal investigations, prior to any request described in F, 3, the member under investigation must be read Miranda and the rule of law shall apply.
5. Investigations will be completed and submitted for staff review in a timely manner. Absent any extenuating circumstances, an internal investigation shall be completed within 180 days of the Department's notice of alleged misconduct.
6. The commanding officer reviewing the complaint shall note the disposition. Dispositions shall be classified as:
  - a. Sustained - the investigation produced a preponderance of evidence to substantiate the allegation of an act which was determined to be misconduct.
  - b. Not Sustained - the investigation failed to produce a preponderance of evidence to either prove or disprove the allegations.

- c. Unfounded - The allegation concerned an act by an agency employee which did not occur.
- d. Exonerated - The allegation in fact did occur, but the actions of the agency employee were legal, justified and proper.

**G. COMPLETED INTERNAL AFFAIRS INVESTIGATIONS**

1. Completed Internal Affairs investigations shall be forwarded to the Assistant Chief of the subject employee's bureau prior to the Chief of Police.
2. When the investigation results in a determination of not sustained, unfounded, or exonerated, the Internal Affairs Unit will notify the accused employee, the employee's supervisors, and the appropriate union 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.
3. When the investigation results in a determination of sustained, the Chief of Police or his 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.
4. All letters of reprimand will be authored by the Internal Affairs Major or his/her designee for signature and issuance by the appropriate manager.
5. All letters of suspension/dismissal shall be composed by the Internal Affairs Major or his/her designee for signature by the Chief of Police. The letter shall indicate the effective date and reason for the suspension/dismissal.
6. When an investigation of misconduct results in dismissal, the Department Personnel Division shall provide a written statement of the status of fringe and retirement benefits to the dismissed employee.
7. The Training Unit will be notified of those completed investigations which require the employee to attend remedial training. The Office of Internal Affairs will follow-up to assure that the training has been completed.
8. Closed Internal Affairs investigative records and reports 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 (Chapter 119, FS).

**H. PURGING OF COMPLAINTS**

All complaints received against employees of the Department shall be purged in accordance with the Florida State records retention schedules GS 1 and GS 2.