

TALLAHASSEE POLICE DEPARTMENT

GENERAL ORDERS

 Proudly Policing Since 1826	SUBJECT The Internal Affairs Unit and Administrative Investigations		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on file</i>		
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AUTHORITY/RELATED REFERENCES

COT/PBA Agreement, Article 22 (Internal Investigations)
 FS Chapter 112, Part VI, Law Enforcement and Correctional Officers
 FS Chapter 119, Public Records
 General Order 20, Corrective Action Procedures
 General Order 46, Rules of Conduct
 General Order 54, Stress Management

ACCREDITATION REFERENCES

CALEA Chapter 26
 CFA Chapters 7, 20

KEY WORD INDEX

Administrative Leave Protocols Call-out Protocols for the Internal Affairs Unit Confidentiality and Truthfulness IAU Commander Responsibilities Internal Affairs Unit Authority and Responsibility Internal Investigations Receipt and Review of Complaints – Internal Affairs Unit Receipt and Review of Complaints – Supervisors Special Investigations	Procedure IX Procedure II Procedure III Procedure VII Procedure I Procedure VI Procedure IV Procedure V Procedure VIII
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POLICY

The Department shall accept and impartially investigate all complaints against its members to determine the validity of the allegation and to ensure the integrity of the organization. The Assistant Chief of Police will report to the Chief of Police on all

matters related to the Internal Affairs Unit. Notifications may be made in person or by phone.

DEFINITIONS

Administrative Investigation: A process of non-criminal inquiry by means of an internal investigation, special investigation or contact report.

Compliance Review: A policy evaluation of actions or inactions by members in the course of their work-related duty.

Contact Report: The process of complaint inquiry into a specific policy violation allegation resolved by a supervisor or the Internal Affairs Unit and requiring documentation. Contact reports may also be used for complaint inquiries into allegations of member actions which are not policy violations, but where a supervisor or IAU member feels it is necessary to document the complaint and the steps taken to resolve it.

Exonerated: The incident complained of did occur but was lawful and proper.

Internal Investigation: A comprehensive and documented investigation into an allegation of member misconduct of a more serious nature either conducted or managed by the Internal Affairs Unit.

In-custody Death: When a person dies while in the custody of the Department.

Not Sustained: There is insufficient evidence to either prove or disprove the allegation.

Secondary Employment: Employment where a member works for an entity other than the Department and a condition of the employment is the actual or potential use of law enforcement powers by the employed member.

Shall: Indicates the described action is mandatory.

Should: Indicates the described action is not mandatory, but preferred.

Special Investigation: A comprehensive and documented compliance review of member-involved incidents where there has been no specific policy violation allegation (e.g., firearm discharges, in custody deaths).

Subject Member: A member (full-time, part-time, temporary, reserve, volunteer, sworn or civilian), who is accused of a policy violation in an internal investigation or contact report.

Sustained: The allegation is supported by the preponderance of the evidence.

Unfounded: The allegation is false or not factual.

PROCEDURES

I. INTERNAL AFFAIRS UNIT – AUTHORITY AND RESPONSIBILITY

- A. The Internal Affairs Unit (IAU) shall conduct and/or have administrative control over all internal investigations, special investigations and contact reports, and shall be the central repository for all such complaint information.
- B. The IAU Commander has the authority to report directly to the Chief of Police when needed.
- C. Only the Assistant Chief of Police directs the investigative, monitoring and oversight functions of the IAU.
- D. The IAU shall conduct compliance reviews for response to resistance and vehicle pursuit incidents.
- E. IAU members shall comply with applicable Florida law and statutes, regarding the:
 - 1. Receipt, processing, and investigation of complaints against sworn members (FS Chapter 112), and
 - 2. Inspection and dissemination of unit records (FS Chapter 119).
- F. The Assistant Chief Of Police has the authority to grant civilian members similar administrative rights as provided to sworn members under FS Chapter 112.
- G. The IAU shall securely maintain records (either paper or electronic) of the following:
 - 1. Internal investigations,
 - 2. Special investigations,
 - 3. Contact reports,
 - 4. Response to resistance incidents, and
 - 5. Vehicle pursuit incidents.

- H. The IAU shall not maintain any record of member corrective action issued by the Department.
- I. IAU members shall investigate and process complaints against members impartially, without bias or prejudice, and shall promptly notify the IAU Commander of any real or perceived conflicts of interest in an assigned investigation or contact report.
- J. Non-IAU members who are authorized to conduct an internal or special investigation shall abide by the following:
 - 1. Report directly to the IAU Commander unless directed otherwise by the Assistant Chief Of Police,
 - 2. Adhere to the applicable portions of this written directive, and
 - 3. Obtain guidance from an IAU member on administrative investigation protocols.

II. INTERNAL AFFAIRS UNIT – CALL-OUT PROTOCOLS

- A. An IAU member shall be called out and shall respond to the following:
 - 1. Officer firearm discharges, except in the following situations:
 - a. A firearm discharge necessary to destroy a seriously injured animal (injured by means other than gunfire by an officer), or
 - b. A firearm discharge at an aggressive animal, after confirmation that no property or person was struck/injure by gunfire from the officer.
 - c. An unintentional firearm discharge on the “firing-line” at the firearms training range which does not result in an injury to any person or damage to any property,
 - 2. In-custody deaths,
 - 3. Member-involved traffic crashes while operating a City vehicle and resulting in a serious injury or death, and
 - 4. Any other incident deemed appropriate by the Assistant Chief Of Police.
- B. Only the following members can authorize an IAU call-out:

1. A member of the rank of lieutenant or higher, or
 2. A member who is acting in the capacity of a lieutenant (e.g., a sergeant who is the acting Watch Commander).
- C. Nothing in this subsection prohibits a supervisor from contacting the IAU Commander or an IAU Detective for consultation on an allegation of member misconduct.
- D. Nothing in this subsection prohibits a Bureau Commander or Watch Commander from requesting an on-call IAU response due to an allegation of member misconduct.

III. TRUTHFULNESS, INTERFERENCE AND CONFIDENTIALITY

- A. During an internal investigation interview, members are compelled to provide a statement and failure to do so may result in corrective action for insubordination.
- B. Members shall give truthful information during administrative investigations, and shall not:
1. Provide an oral or written statement which is intentionally or deliberately inaccurate, incorrect, incomplete or misleading, or
 2. Make an intentional or deliberate material omission of fact.
- C. No member shall impede or interfere with an administrative investigation, and members shall not:
1. Interfere with the attendance or testimony of a witness or subject member through coercion, bribery or other means, or
 2. Obstruct, hide or destroy evidence relevant to an investigation or inquiry.
- D. While open, administrative investigations are considered confidential, and as such:
1. Members who are not the subject of an open investigation or inquiry shall not divulge or confirm, in any form of communication, any information regarding the open investigation/inquiry.
 2. Subject members may divulge or confirm information regarding their open investigation or inquiry only to their designated representative (or

attorney) and the member handling the investigation/inquiry (i.e., IAU member, supervisor).

3. The Assistant Chief Of Police and IAU members may divulge or confirm information regarding an open internal investigation (II) or contact report (CR) only as permitted by FS Chapter 112.

E. Any member witnessing or having knowledge of a member violating this subsection shall promptly report such violation to the IAU.

IV. RECEIPT AND REVIEW OF COMPLAINTS BY INTERNAL AFFAIRS

A. IAU members shall receive all complaints on members in an impartial manner, and shall adhere to the protocols listed below.

1. Accept complaints via written correspondence, telephone, e-mail, the City's website complaint form or a personal interview.
2. If not already submitted in a written format, encourage the complainant to provide a written statement regarding the complaint, by having the complainant:
 - a. Complete a Citizen Complaint Form (PD 185), and
 - b. Sign the PD 185.
3. Accept anonymous complaints.
4. Provide the complainant with information about the complaint process.

B. In the review of each complaint, IAU members are responsible for the following:

1. Examining the circumstances of the complaint to establish member involvement, and whether or not the alleged actions or inactions are policy violations,
2. Reviewing policies and procedures applicable to the incident/complaint, and
3. Briefing the IAU Commander on the circumstances of the complaint.

C. Complaints involving a specific policy violation allegation made to the IAU shall be documented in the Department's complaint tracking system, as either an II or a CR by the assigned IAU member.

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- D. When the review of a complaint leads to the initiation of a CR, IAU members shall review and/or manage the case in an impartial manner and coordinate with the appropriate supervisor concerning:
 - 1. Discussion of the matter with the complainant,
 - 2. CR protocols, and
 - 3. Completion of the CR documentation.
- E. Regardless of who initiated the CR (IAU or a supervisor), the IAU member assigned the case is responsible for:
 - 1. Ensuring the appropriate information is entered into the designated information management system for the complaint, and
 - 2. Briefing the IAU Commander of the CR resolution.
- F. The IAU may recommend to the Assistant Chief Of Police a complaint be initiated against a member subsequent to a compliance review or inspection reflecting probable policy violations.
- G. Any Bureau Commander or Watch Commander may request the IAU investigate a complaint when circumstances surrounding the complaint require extensive follow-up investigation.
 - 1. The IAU Commander shall brief the Assistant Chief Of Police on all such requests.
 - 2. The Assistant Chief Of Police has final decision-making authority on all such requests.
- H. The types of complaints which shall be investigated by the IAU include, but are not necessarily limited to:
 - 1. Excessive use of force,
 - 2. Commission of a crime (whether or not an arrest is made),
 - 3. Alcohol use on duty,
 - 4. Possession of illegal drugs,
 - 5. Harassment of co-workers, and

6. Abuse of position.

- I. If a complaint is filed against the Chief of Police, it will be forwarded to the City Manager or designee for follow up.

V. RECEIPT AND REVIEW OF COMPLAINTS BY SUPERVISORS

A. Supervisors shall receive and review complaints on members in an impartial manner.

B. The types of complaints which may be investigated by a supervisor include, but are not necessarily limited to:

1. Rudeness,
2. Documentation errors,
3. Tardiness,
4. Absence from an assignment,
5. Traffic violations, and
6. Procedural/work performance deficiencies.

C. Supervisors shall respond to all bona fide complaints involving a specific policy violation allegation by:

1. Addressing the complaint as a CR, or
2. Recommending the complaint be addressed as an II.

D. Supervisors shall document all bona fide complaints involving a specific policy violation allegation as follows:

1. For a CR, completing the appropriate documentation in the Department's complaint tracking system.
2. For recommending an II, sending an e-mail or memorandum with the appropriate information to IAU (via the chain of command).

E. When it is determined the complaint should be addressed as a CR, the supervisor should, when necessary, coordinate with the IAU concerning:

1. Discussion of the matter with the complainant,

2. CR protocols, and
 3. Completion of the CR documentation.
- F. The supervisor shall provide a timely resolution to the CR and notify the following persons of its resolution:
1. The member's chain of command,
 2. The IAU, and
 3. The complainant, as warranted.
- G. Supervisors shall keep their immediate supervisor apprised of complaints on members under their command.
- H. Except as noted in subsection I below, nothing in this written directive mitigates a supervisor's authority and responsibility to train, counsel, or issue corrective action to members under their command in response to a violation of policy.
- I. When the complaint is of the type requiring the IAU to investigate (see IV H above), supervisors are not authorized to provide corrective action to the affected member prior to the conclusion of the IAU investigation.

VI. INTERNAL INVESTIGATION PROCESS

- A. When the review of a complaint leads to the initiation of an II, IAU members shall conduct and/or manage the investigation in an impartial manner, and shall:
1. Notify the complainant of the initiation of the II.
 - a. If the complainant is a member, the notification may be by e-mail, letter or in person.
 - b. If the complainant is not a member, the notification shall be by a letter on Department letterhead.
 2. Notify the subject member (by letter) of the initiation of the II and the letter shall include:
 - a. A statement about the allegation (date, involved incident type, and complaint classification),

- b. The complainant's name,
 - c. The II number,
 - d. The name of the assigned IAU Detective, and
 - e. Information about the subject member's rights and responsibilities relative to the II.
3. Complete the investigation within 90 business days of the date the subject member is notified by the IAU of the II.
- a. The Assistant Chief Of Police may grant an extension as requested by the IAU Commander or designee.
 - b. For the purposes of the 90-business day completion deadline, the investigation is regarded as complete, but still active, when the IAU detective signs the investigative report.
 - c. The review and approval process by the IAU Commander is not part of the investigation.
 - d. In the event the investigation is tolled (i.e., officially paused) the days of the tolling do not count toward the 90-day business day completion schedule.
 - e. Nothing in this subsection negates the provisions of FS 112.533 (Receiving and Processing of Complaints) which exempts II information from the provisions of FS 119.07 (Inspection and Copying of Records) until the investigation ceases to be active, or until the Assistant Chief Of Police or designee informs the subject member of the conclusion of the II.
4. Provide periodic status reports to the Assistant Chief Of Police.
5. Provide a status notification letter to the complainant every 90 business days the investigation is active.
6. Notify the subject member and the complainant if the Assistant Chief Of Police grants an extension.
- a. The notification shall be made by letter.

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- b. The letter shall state both the reason for the extension and the anticipated completion date of the investigation.
- B. Notifications to a subject member's chain of command concerning an open II shall be made only by the Assistant Chief Of Police or designee.
- C. At the conclusion of an II, the assigned IAU Detective shall complete an investigative report, in a format approved by the IAU Commander, to include the following sections:
 - 1. List of relevant evidence,
 - 2. Summary of the allegation(s),
 - 3. Synopsis of the interviews and investigative tasks,
 - 4. List of investigative findings,
 - 5. Conclusion of fact (recommended disposition) for each allegation, using one of the following classifications:
 - a. Exonerated,
 - b. Not sustained,
 - c. Sustained,
 - d. Unfounded, or
 - e. Withdrawn.
 - 6. As warranted, areas for policy improvement (administrative findings).
- D. Once the investigation is approved by the IAU Commander, the assigned detective shall promptly submit the investigative report to the Assistant Chief Of Police for final disposition.
- E. Upon the return of the signed investigative report, the assigned IAU member shall ensure the report becomes part of the case file.
- F. In all completed II's, the assigned IAU member shall ensure the following persons receive notifications of the final disposition (conclusion of fact) of each allegation:
 - 1. Subject member (by letter),

2. Complainant (by letter if not a member), and
 3. Subject member's chain of command (by letter or e-mail).
- G. In all completed II's with a sustained disposition, the assigned IAU member shall ensure the Employee Resources Director or designee is notified by letter or e-mail.
- H. In II's with a sustained disposition, it is the responsibility of the subject member's chain of command to issue corrective action.

VII. SPECIAL INVESTIGATION PROCESS

- A. A special investigation (SI) is a method of policy compliance review and is not an II.
- B. While most SI's will not require a member to be interviewed, when such an interview is required, the II interview protocols set forth in this written directive shall be followed.
- C. There is no specific time limit for the completion of an SI.
- D. The IAU will initiate an SI and toll it pending the conclusion of any grand jury proceeding or other judicial review directly related to the actions of a member.
- E. When there is an identifiable member, whose actions are subject to the policy compliance review, the member, and his or her chain of command, shall be notified (by letter) of the SI by the IAU Commander.
- F. At the conclusion of any SI, the IAU Commander shall ensure the affected members are properly notified.

VIII. IAU COMMANDER RESPONSIBILITIES

- A. The IAU Commander is responsible for the overall operation and effectiveness of the IAU, and shall:
1. Brief the Assistant Chief Of Police on a regular and consistent basis about all on-going internal, special and executive investigations,
 2. Adhere to established protocols for identifying members who meet the Early Intervention Program criteria in accordance with General Order 54 (Stress Management), and

3. Respond to incident scenes as warranted or directed by the Assistant Chief Of Police.
- B. The IAU Commander shall notify the Assistant Chief Of Police as soon as practical when, during the course of an internal or special investigation, it is apparent a member may need prompt Department intervention (e.g., corrective action, administrative leave or administrative reassignment).
- C. The IAU Commander shall monitor response to resistance, vehicle pursuit, and complaint information to ascertain trends and issues, and:
 1. Promptly notify the Assistant Chief Of Police of any identifiable policy and procedural issues in need of command action, and
 2. At the direction of the Assistant Chief Of Police, work with other members to address policy and procedural issues affecting response to resistance and vehicle pursuit incidents, and citizen/member interaction.
- D. On an annual basis, the IAU Commander shall ensure the statistical summary of II's and CR's is made available to members and the public upon request to IAU.

IX. ADMINISTRATIVE LEAVE PROTOCOLS

- A. In addition to the policy-mandated administrative leave situations outlined in other written directives (e.g., General Order 63, Officer-Involved Action Resulting in Serious Injury or Death), a member may be relieved from duty and placed on administrative leave pending the outcome of an II or SI when the circumstances of the investigation involve allegations the member:
 1. Committed a criminal act (whether or not an arrest is made),
 2. Is under criminal investigation (by any law enforcement agency),
 3. Used excessive force (response to resistance), or
 4. Abused alcohol or drugs.
- B. The protocols listed in subsections C – H below are applicable whenever a member is placed on paid administrative leave during an II or SI, and the administrative leave is for more than 40 hours:

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- C. Regardless of rank or assignment, the affected member's administrative leave schedule is Monday – Friday, 8:00 am – 4:00 pm (unless authorized by the Assistant Chief Of Police).
 - 1. These days and times shall be reflected within TeleStaff by the TeleStaff Administrator.
 - 2. Except as noted in subsections E and G below, the affected member shall be available during these days and times to respond to the Department within one (1) hour after notification to do so.
- D. To facilitate prompt communications between the member on administrative leave and the Department, the member is responsible for ensuring their current contact telephone numbers are in TeleStaff and are provided to:
 - 1. Their immediate supervisor, and
 - 2. The IAU Commander or designee.
- E. When members on administrative leave are unable to attend court or quasi-judicial hearings, interviews, or other Department-related functions due to illness or injury, the protocols listed below are applicable.
 - 1. The member shall notify the Watch Commander (applicable to all members regardless of their assigned bureau).
 - 2. The Watch Commander shall make e-mail notification to:
 - a. The member's chain of command up to and including the Bureau Commander, and
 - b. The IAU Commander.
 - 3. The member's immediate supervisor shall enter the appropriate sick leave hours into TeleStaff.
- F. The protocols in subsection E above are solely about reporting sick leave and do not relieve the member from making required notifications to the appropriate entity (e.g., State Attorney's Office, IAU) of their inability to attend the scheduled activity.
- G. The following protocols are applicable when a member on administrative leave requests to utilize personal leave to be out of town and unavailable for prompt reporting to the Department as outlined in subsection C 2 above:

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1. The member shall submit an interoffice memorandum through their chain of command to the Chief of Police,
 2. Only the Chief of Police or designee has authority to approve or deny the member's request for the use of personal leave during the member's administrative leave,
 3. If approved, the member's immediate supervisor is responsible for entering the appropriate personal leave hours into TeleStaff, and
 4. The decision made will be relayed to the member as soon as practical.
- H. The following information and protocols are applicable when a member on administrative leave requests to engage in outside employment (i.e., employment with an entity other than the City of Tallahassee, including self-employment):
1. Members are prohibited from engaging in secondary employment,
 2. Members shall ensure the outside employment meets the criteria set forth in General Order 48 (Outside and Secondary Employment),
 3. Members are prohibited from engaging in outside employment during the timeframe of the administrative leave as outlined in subsection C above (also see General Order 46 [Rules of Conduct] III A 2).
 4. The member shall submit an interoffice memorandum through their chain of command to the Chief of Police requesting to engage in outside employment, and the member is responsible for including the following in the memorandum:
 - a. A statement of the type of outside employment (e.g., carpentry work), and
 - b. An attestation the work will not occur during the timeframe of the administrative leave (as outlined in subsection C above).
 5. Only the Chief of Police or designee has authority to approve or deny the member's request for outside employment during the member's administrative leave.
 6. The decision made will be relayed to the member as soon as practical.

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