1400 Internal Complaint Investigation Procedures  2.08M

1400.1 Purpose The purpose of this General Order is to establish uniform guidelines for investigating all complaints against the University of Central Florida Police Department (Department), its employees, whether initiated by a citizen or an agency member, in a complete, fair, and timely manner.

1400.2 Policy
A. The proper investigation of complaints helps ensure the integrity of the Department and serves to build trust between the community and the University of Central Florida Police Department. This General Order establishes a uniform procedure for questioning witnesses and the accused, reporting the details of the investigation, and storing of the completed report. It shall also be the policy of this Department that an officer, assigned an Internal Investigation, regardless of rank, shall have the authority to compel persons under investigation to tell the truth, be at official proceedings (interviews) and any other matter pertaining to the investigation (Garrity applies if criminal charges may result).

B. The only persons authorized to initiate a Formal Internal Affairs Investigation are the Chief, Deputy Chief and the Professional Standards Commander.

C. All Internal Affairs Investigations files shall be in the care of the Professional Standards Commander and secured against unauthorized viewing at all times. Internal Affairs Investigation files are not subject to the same University or Bargaining Unit rules and regulations as Personnel Files maintained by The Human Resources Department and the Chief’s Office. Records shall be confidential in accordance with State Statute until the investigation is complete and the accused employee is informed of the result and the disposition of the investigation. 27.01M,E,F

1400.3 Procedures
A. Investigative Responsibilities
1. All agency supervisors are responsible for investigating telephone/walk-in complaints against their subordinates, or referring complaints against any member of the agency to Professional Standards for investigation when it appears that discipline greater than a written reprimand may result. However, the investigation will not begin until after the complaint has been reviewed by the Professional Standards Commander or his designee and assigned to the supervisor by the Professional Standards Commander or his designee.

   a. Investigations conducted by supervisors are internal investigations and must conform to this General Order.

   b. When an allegation is made against an employee, the investigating authority will make a good faith effort to ensure that the allegation and related statements are reduced to writing or recorded and, whenever possible, under oath. (Citizen Complaint/Concern Form Against Sworn/Unsworn Police Personnel) An internal investigation may be opened on the basis of an anonymous or unwritten complaint; however, such complaint shall be documented in writing and initially subject to an inquiry level review. Anonymous complaints must also be investigated.
c. **27.02M** When an employee is notified that he/she has become the subject of an internal investigation he/she will be issued a written document, containing the following:

1. Nature of the investigation.
2. A statement telling the employee that it is an administrative or criminal investigation.
3. A partial list of employee rights and responsibilities. The form also directs the employee to this General Order for a complete list of employee rights and responsibilities during an internal investigation.

2. **27.01M_A,C** An employee's immediate supervisor, or any other supervisor within the employee's chain of command, shall be responsible for investigating the following complaints after the complaint has been reviewed by the Professional Standards Commander or his designee and assigned to the immediate supervisor:

   a. Rudeness.
   b. Use of obscene or profane language.
   c. Refusal to properly identify oneself.
   d. Personal appearance.
   e. Improper operation of a vehicle.
   f. Failure to take reports when necessary.
   g. Failure to take appropriate action when necessary.
   h. Improper investigative procedures.
   i. All other complaints that are outside of Professional Standards’ area of responsibilities.

   **NOTE:** A supervisor may investigate his/her own complaint against an employee, unless the employee can show a clear and convincing conflict of interest as determined by the Commander, Professional Standards, or the Chief of Police, or their designee, or where the alleged violation could result in discipline greater than a written reprimand.

3. Professional Standards shall be responsible for recording, registering, and controlling alleged or suspected misconduct complaints against police department employees and maintaining the confidentiality of all documents, records, and files pertaining to internal investigations, within the parameters of applicable law.

   (Victim Request for Confidentiality Form)

   a. **27.01M_B** Professional Standards shall be responsible for investigating the following complaints:

   1. Violation of Municipal or County Ordinances.
   2. Violation of Florida State Statutes.
   3. Violation of Federal Law (except ADA complaints unless directed by the Chief or designee).
   4. Sexual harassment.
   5. Corruption.
   7. Complaints of illegal discrimination made by a citizen or an agency employee.
   8. Issues of moral turpitude.
   9. Allegations of misconduct that if sustained may result in termination or demotion of the accused employee.
   10. Compromise of sensitive information relative to any administrative or criminal investigation being conducted by the University of Central Florida Police Department, or jointly with any other law enforcement/criminal justice agency.
   11. Any investigation assigned by the Chief or designee.

4. **Arrest/Criminal Investigation of Agency Employee**

   a. When an agency employee is involved in an incident which could lead to an arrest, a criminal investigation will be conducted pursuant to criminal investigative procedures and the accused employee will be afforded all rights pursuant to Miranda.

   1. When the Lieutenant/Watch Commander or any employee is advised an agency employee is the subject of a criminal investigation, he/she shall immediately notify the Chain of Command and the Professional Standards Commander or designee.

   b. The investigating officer shall decide, based on the facts of the case, whether to make an arrest, file the case with the State Attorney's Office, or refer the case to Professional Standards for further investigation. The investigating officer shall consult with his/her lieutenant, or the watch commander, via the chain of command prior to an arrest.

   c. All criminal investigations involving agency employees that require investigation shall be referred to Professional Standards for investigation unless otherwise directed by the Chief.
d. An employee, who is arrested, charged with a crime even though not physically arrested, issued a notice to appear, issued a criminal traffic citation, served as the respondent on a temporary or permanent domestic violence, sexual violence, dating violence, or repeat violence injunction shall notify their immediate supervisor within 24 hours.

5. Duty to Notify Chief
   a. The Professional Standards Commander shall report the status of ongoing investigations and all complaints against the agency and employees to the Chief.
   b. The Chief shall be notified immediately when the following complaints are received against the agency or its employees:
      (1) Civil liability suits against members of the agency.
      (2) Allegations of corruption.
      (3) Allegations of excessive force or brutality where there is evidence to support the allegation.
      (4) Violations of civil rights where there is evidence to support the allegation.
      (5) Allegations of criminal misconduct where there is evidence to support the allegation.

B. 27.02M Law Enforcement Officers’ Bill of Rights
   1. Applicability
      a. According to state statute, the Law Enforcement Officers’ Bill of Rights applies to full-time law enforcement officers (F.S.S. 112.531 - 112.535).
      b. The Chief of Police has chosen to apply some of these provisions to all personnel of the agency. This policy and practice shall not be construed to create or expand legal rights under the Law Enforcement Officers’ Bill of Rights. For example, this does not accord civilians, part-time officers and Reserve I and II officers a cause of action under the Law Enforcement Officers’ Bill of Rights. The Chief expressly reserves the right to create exceptions to General Order 1400 or to change written provisions in accordance with applicable law.
      c. The interview procedures specified in the Law Enforcement Officers’ Bill of Rights apply to “investigations,” not “inquiries.” They only apply after the investigating officer has conducted an inquiry, or he/she reasonably believes the person may have committed a violation and may be subject to discipline as a result. The “investigation” phase begins at that point.
      d. The interview rights set forth in the Law Enforcement Officers’ Bill of Rights and this General Order does not apply to subordinate/supervisor counseling sessions or to the administering of counseling forms. Counseling sessions and forms are not considered to be disciplinary or punitive.
      e. Newly employed probationary personnel are afforded all rights enumerated under this General Order. However, this General Order does not affect their “at-will” status. Similarly, a person on probation due to a promotion or transfer is also covered, but his or her probationary status is not affected. For example, a probationary sergeant may be at fault for an on-duty traffic accident. He/she may be investigated, cited and disciplined for a policy violation. The Sergeant will receive the rights enumerated in this General Order and the appeal procedures specified in the CBA. However, in accordance with the CBA, the Chief is free to summarily revoke a promotion with or without cause during the probationary period. In that case, the provisions of this General Order and the CBA do not apply.

   2. Procedures These procedures apply to investigations of agency personnel for possible policy violations.
      a. The interrogation shall be conducted during on-duty hours, unless immediate action is required due to the seriousness of the investigation.
      b. The interrogation shall take place at either the Police Department facility, the Office of Professional Standards, where the incident under investigation took place or the office of the investigating officer. The entire interrogation, including all recess periods and any comments by persons involved in the interrogation shall be recorded. There shall be no unrecorded questions or statements during the interrogation. Inquiries should also be recorded.
      c. The investigating officer shall identify on the record, to the person, all present during the interrogation by name, rank, and command. All questions shall be asked by or through one interrogator, unless specifically waived by the person under investigation.
      d. The Professional Standards Office will notify the person under investigation of the “nature” of the investigation and identify all complainants prior to the interrogation. The person under investigation shall be permitted to review the complaint and all statements, regardless of form, made by the complainant and witnesses immediately prior to the beginning of the interrogation. In the event the
witness is incarcerated, only the names and witness statements of the complainant or non-incarcerated witnesses may be reviewed by the employee.

e. The interrogation session shall be conducted for a reasonable period of time and appropriate breaks shall be allowed.

f. The person under investigation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement for the person under investigation to answer any questions.

g. If the person under investigation is under arrest or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of his/her Miranda Rights prior to the interrogation.

h. Upon request, the person under investigation is entitled to be represented by counsel or any other representative of his/her choice, who may be present at all times during an interrogation whenever it relates to the officer’s continued fitness for law enforcement service.

i. In accordance with University Rule 6C7-3.033, the agency shall notify the person of any proposed disciplinary action prior to the day it is formally imposed.

**NOTE:** Administrative actions such as relieving personnel from duty pending an investigation or transferring or reassigning personnel to better allocate agency resources are not disciplinary or punitive in nature and, therefore, are excluded from this requirement.

j. No disciplinary action shall be undertaken by the agency against a law enforcement officer for any allegation of misconduct if the investigation of such allegation is not completed within one hundred-eighty (180) days after the date that the person in the agency that is authorized to initiate a formal investigation receives notice of the allegation. In the event the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer of its intent to proceed with disciplinary action, along with a proposal of the action sought. Such notice shall be provided within one hundred-eighty (180) days, except as follows:

1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer.

2. The running of the limitations period shall be tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.

3. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period shall be tolled during the period of incapacitation or unavailability.

4. In a multi-jurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.

5. An investigation against a law enforcement officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, if significant new evidence has been discovered that is likely to affect the outcome of the investigation. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the pre-disciplinary response of the officer.

6. Any disciplinary action resulting from an investigation that is reopened pursuant to this subsection, must be completed within ninety (90) days after the date the investigation is reopened.

C. Administrative Procedures for Handling Citizen and/or Internal Complaints

1. Personnel receiving complaints against employees of the agency shall immediately refer the complaint to a first line supervisor. The supervisor shall make a good faith effort to ensure that the allegation and related statements are reduced to writing or recorded and, whenever possible, under oath. The supervisor will then enter the complainant’s contact information and a synopsis of the complaint in the Blue Team System and forward it to the Professional Standards Commander. If the complaint is not against their subordinate, the complaint shall immediately be forwarded to Professional Standards via the Blue Team System with the complainant’s contact information and a synopsis of the complaint. Any statements or hard copy paperwork associated with the complaint will be placed in the Professional Standards Commander’s mailbox. From the date the complaint is received by a person authorized to initiate a formal IA, the agency has one hundred-eighty (180) days to complete the investigation and serve the accused employee with the Notice of Intention to Discipline when appropriate.

2. All managers and supervisors shall take appropriate action concerning the behavior of subordinates. The subordinate will be advised of the complaint and be advised to **NOT RESPOND TO THE COMPLAINT AT THIS TIME** the supervisor will advise the subordinate if the allegation is true to cease and desist from
such behavior, and that the complaint is being forwarded to Professional Standards for review. It is imperative that the supervisor **NOT PROJECT** any possible outcome of the complaint.

3. Should a supervisor determine that the complaint is against a person who is not his/her subordinate, the complaint will be processed as outlined in paragraph C 1, above. The supervisor taking the complaint will contact (by phone, memorandum or e-mail) the immediate supervisor of the employee and advise him/her of the complaint. The employee’s supervisor will advise the subordinate of the complaint as outlined in paragraph C 2, above.

4. Professional Standards shall render technical assistance to any supervisor who requests it to complete his/her investigation.

5. Should the supervisor determine that the complaint alleges a major violation as stated in General Order 1400, the complaint shall be referred directly to Professional Standards for investigation. Referral shall be made by way of the Blue Team detailing the particulars of the complaint.

6. Complaints may be assigned by the Professional Standards Commander or his designee initially as inquiries. If while conducting an inquiry, the investigating supervisor cannot establish a reasonable belief that a policy violation has occurred, the complaint may be concluded at the inquiry level.
   a. If during the inquiry stage, the investigating supervisor establishes a reasonable belief that a policy violation may have occurred and the employee should be investigated for the purposes of discipline more than a written reprimand (the Police Officers Bill of Rights and the CBA apply to written reprimands), such inquiry shall immediately cease and the employee shall be granted all rights consistent with the CBA and Law Enforcement Officers’ Bill of Rights. The investigating supervisor may request or conduct a formal investigation based on the criteria set forth in this General Order.
   b. Whenever possible, the investigating supervisor will initially question an employee verbally when conducting an inquiry. If the inquiry determines that there is no potential policy violation the investigating supervisor may ask for a written document confirming the information provided by the employee. The employee may have up to twenty-four (24) hours or the next business day to review the document with a representative before turning it in. If the inquiry leads to an investigation, or based on the initial facts presented there appears a reasonable belief of a policy violation, the employee who is being investigated shall not be required to provide a written report or response to questions posed during the investigation if it is the investigating authority’s intent to interview the employee consistent with the Law Enforcement Officers’ Bill of Rights. This shall not prevent the employee from providing reports or other written findings required in the normal course of the performance of their duties.

7. Complaints that are determined to be founded shall be handled in accordance with established disciplinary procedures.

8. **27.06M** The investigating supervisors should make every effort possible to investigate all complaints within forty-five (45) days. Except in the case of a criminal investigation, the accused employee shall be notified in writing of the status of a formal investigation that exceeds forty five (45) calendar days and to the extent possible, an estimated completion date. Supervisors shall also notify the complainant and the accused of the findings in writing at the conclusion of the case. This applies to complaints resulting in an investigation.

9. When Professional Standards receives the initial complaint and it is deemed appropriate to be investigated at the division level, a complaint memorandum will be forwarded, in writing, to the appropriate section commander.

10. After investigation, all investigations, whether formal or inquiry shall be forwarded directly to and be retained by Professional Standards pursuant to the Records Retention Schedule authorized by the State of Florida.

D. **Conducting an Administrative Investigation**

1. All complaints that are determined **not to be a General Order, statute or University Rule and Regulation violation** resolved by the supervisor via telephone or in person with the complainant, must be entered into the Blue Team System with a synopsis of the determination as to why no violation occurred. Complaints determined to be a General Order, Statute or University Rules and Regulation violation must be entered into the Blue Team System and investigated formally or as an inquiry.
   a. An inquiry assigned by the Professional Standards Commander or his designee is conducted by the investigating supervisor to determine if a reasonable belief exists that a policy violation has occurred and to establish whether a particular employee was involved in the incident, either as a witness, or participant. It is important for the investigating supervisor to keep documentation while conducting an
inquiry.

b. An inquiry does not fall under the requirements of the Law Enforcement Officers’ Bill of Rights however; the questioning should be recorded. If personnel are interviewed as part of a formal investigation, the interview will be recorded. Once the investigating supervisor has established a reasonable belief that a policy violation has occurred which may result in discipline the inquiry will be halted and turned over to Professional Standards.

c. The supervisor conducting the formal investigation shall ensure the Initial Complaint memo is completed and a tracking number is obtained from Professional Standards. If the formal investigation is forwarded to an investigator from Professional Standards, or if Professional Standards personnel investigate the case, Professional Standards shall issue a tracking number. The tracking number is an internal complaint case number system, to maintain agency control of internal investigations.

d. The “Initial Complaint memo” shall contain the tracking number, complainant’s name, witnesses, the accused name, date/time and location of the incident, date/time the complaint was reported, who the complaint is assigned to, and a synopsis of the complaint.

e. Professional Standards, upon issuing a tracking number, shall send a letter to the complainant indicating receipt of their complaint and advising them that their complaint will be investigated.

f. The content of an internal investigation is confidential until the investigation is concluded, consistent with applicable law.

2. Pre-Interview Format
When an employee is to be interrogated concerning a complaint or allegation, the employee will be informed prior to the interview of the nature of the investigation and whether he or she is the subject of the investigation or a witness in an investigation. Witnesses have no rights under the Law Enforcement Officers’ Bill of Rights and are not entitled to representation during an interview. Prior to interviewing the subject of an investigation, the interviewer shall advise the individual of the charges against them.

3. Recording Interviews
Complainant or witness interviews must be recorded and retained. Interviews shall be recorded in such a manner as to allow a transcript to be prepared.

4. Questioning Witnesses
All related statements should be recorded, reduced to writing and whenever possible, under oath.

a. If an individual is believed to be a witness, but after questioning has no knowledge of the incident, the supervisor should include the witness’ name in the final report with the fact that no information was gained from the interview.

b. If during the course of an interview as a witness, the employee becomes the subject of a complaint, the interview shall cease and the employee shall be granted all rights consistent with the CBA and Law Enforcement Officers’ Bill of Rights.

5. Questioning the Accused
a. When requested, an employee may be given up to seventy-two (72) hours to contact, consult with, and secure the attendance of a representative at the interview. The representative may contact the investigating authority directly to schedule an appointment for an interview. The employee is responsible for confirming the date, time and location of his/her interview appointment with either the representative or investigating authority.

b. When questioning agency personnel, the entire interview period, including breaks, must be tape recorded. If the break is for other than a short recess, the interview should be concluded. If necessary, a second interview will be conducted at a later date. There shall be no unrecorded questions or statements in an interview.

(1) If during an interview, facts are revealed that increase the severity of the alleged violation to where Professional Standards should investigate, the interview shall be stopped. Investigative documentation that has been produced so far should be sent to Professional Standards with a memo requesting that Professional Standards personnel continue the investigation.

(2) The accused, if a full time sworn employee must be interviewed after all complainants and witnesses have been interviewed.

(3) Prior to the interview, the accused person shall be given the opportunity to review the complaint and all statements, regardless of form, made by the complainant and witnesses that pertain to the allegations against him/her.

6. Investigative Tools
a. No employee is required to submit to a “truth detection device.” 27.04 E
b. All testing methods for the detection of illegal controlled substances shall be conducted in conformance with Florida State Statutes and agency directives. **27.04 E**

c. An employee may be required to be photographed or participate in a line-up for identification purposes or for preservation of evidence if it is material to an administrative investigation. **27.04 B,C**

d. If a financial disclosure statement is required to verify or discredit statements made in an administrative investigation it shall be obtained under the appropriate court order. Voluntary disclosure is permitted. **27.04 D**

e. Offices, desks, file cabinets, planners, computers, vehicles, pagers, cell phones and all other facilities and equipment issued or assigned by the agency may be searched consistent with applicable law to collect and preserve evidence related to an investigation or for supervisory oversight. **Agency members are hereby specifically informed that they have no expectation of privacy in regard to offices, desks, file cabinets, planners, computers, vehicles, pagers, cell phones and all other facilities and equipment issued or assigned by the agency.**

f. Employees may be required to submit to other types of medical or laboratory procedures for the purpose of collecting and preserving evidence, or for comparative analysis related to a particular administrative investigation. **27.04 A**

7. **27.03 Drug/Substance Abuse Testing**

a. When a supervisor believes that an employee is under the influence of alcohol or drugs while on duty, or is using illegal drugs off duty, Professional Standards shall be contacted immediately.

b. An officer from or assigned by Professional Standards shall escort the employee to the proper facility for testing.

c. Refusal by the employee to submit to such tests shall be grounds for disciplinary action up to and including termination.

E. **27.03 Conditions of Relieving From Duty With Pay**

1. The Human Resources director or designee shall immediately suspend an employee from performance of his or her assigned duties when the Human Resources director or designee has reason to believe the employee’s presence on the job would adversely affect the functioning of the university or would jeopardize the safety or welfare of other employees. The Human Resources director or designee shall determine whether a suspension shall be with or without pay based on the severity of the alleged misconduct and the threat to safety.

2. If outside of normal business hours and the Human Resources director or designee is unavailable, personnel holding the rank of Lieutenant, or above, are authorized to relieve from duty a subordinate with pay if he or she has reason to believe the employee’s presence on the job would adversely affect the functioning of the university or would jeopardize the safety or welfare of other employees.

3. If the Human Resources director or his or her designee is unavailable as specified in section 2, then the Chief or designee must notify the Human Resources director or designee the next regular business day of the suspension with pay action and supporting reasons. The Human Resources director will then determine the appropriate course of action and issue written notice to the employee and the Chief.

4. Personnel relieved of duty with pay for the reasons stated above shall surrender their sworn agency identification, badge, firearms, Taser, and vehicle to their immediate supervisor. Radios, proximity cards, and Mobile Data Computers (MDC’s) shall be surrendered at the discretion of the Division Commander.

5. During the time the employee is relieved from duty, in a paid status, they shall remain available by telephone, subject to sixty (60) minute recall, during normal business hours. Normal business hours as they pertain to this General Order are defined as 8:00 A.M. - 5:00 P.M., Monday - Friday.

6. The Chief may temporarily reassign the employee.

7. Any Command Officer exercising this authority must report his/her action via chain of command to the Chief, as soon as possible.

8. In every instance where the actions or use of force of an employee results in death or serious bodily injury to any person, the employee shall be relieved of normal duty pending the outcome of a preliminary administrative review. This assignment serves two purposes:

   a. To address the emotional and personal needs of the employee.

   b. To assure the community that verification of all the facts surrounding such incidents are reviewed by Professional Standards, and an agency contracted psychologist. The reassignment to non-enforcement related duty shall be for a minimum of two weeks, pending a preliminary review of the incident. The Chief reserves the right to deviate from the two weeks. Personnel and/or their immediate family members shall be provided with needed emotional and psychological support.
F. 27.03 Suspending Employees From Duty Without Pay
1. The Human Resources director or designee shall immediately suspend an employee from performance of his or her assigned duties when the Human Resources director or designee has reason to believe the employee’s presence on the job would adversely affect the functioning of the university or would jeopardize the safety or welfare of other employees. The Human Resources director or designee shall determine whether a suspension shall be with or without pay based on the severity of the alleged misconduct and the threat to safety.
2. If any employee is arrested for, or charged with, a felony or misdemeanor, he or she may be suspended without pay during the investigatory period and any administrative appeals. The Human Resources director or designee shall provide the employee with written notice of the charges against him or her, such as the applicable arrest report or affidavit, supporting the suspension without pay. While suspended without pay, the employee may not use compensatory time, vacation time, or other paid time off.
3. Personnel relieved of duty without pay shall surrender their agency identification, badge, firearms, Taser, vehicle, radio, and MDC to their immediate supervisor. The Division Commander or designee will ensure these items are transported to the Police Department for safekeeping and storage. The vehicle will be inventoried by the Fleet Manager. All other equipment, uniforms, and assigned property will be taken to Procurement for storage by the immediate supervisor.
4. If an employee who is suspended from duty without pay wishes to leave the Central Florida area, he or she must notify his or her Division Commander and provide an address and phone number where the employee can be reached.

G. Investigative Report
1. All internal investigations should be concluded within 45 days. When extenuating circumstances exist, the investigation may exceed 45 days with the approval of the Professional Standards Commander. However, the investigation must be completed and the Notice of Intention to Discipline served, no later than one hundred-eighty (180) days from the date the complaint/allegation of misconduct was received, unless an exemption specified in the Law Enforcement Officers’ Bill of Rights exists.
   a. The investigator shall provide a case status report, either in writing or orally, to the Professional Standards Commander every fourteen (14) days.
   b. The investigator shall periodically notify the complainant of the case status.
   c. The accused employee shall be notified in writing of the status of a formal investigation that exceeds sixty (60) calendar days and to the extent possible, an estimated completion date.
2. Once the investigation is concluded, it shall be written by the supervisor completing the investigation, in the internal investigation report format. The report shall be submitted directly to the Professional Standards Commander for review and approval. The report should be constructed in the following format:
   a. BACKGROUND: A synopsis of the incident.
   b. INVESTIGATIVE DETAILS: Details of the investigation, to include a synopsis of interviews with witnesses, complainants, and the accused.
   c. FINDINGS: A synopsis of specific facts revealed by the internal investigation which are pertinent to the complaint or allegation(s).
   d. CONCLUSION: List the policy violation(s) alleged by the complainant, with a conclusion for each specific violation.
   e. VERIFICATION UNDER OATH: Every report must contain the following statement by the investigating officer sworn to pursuant to FSS 92.525:

   I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in FSS 112.532 and 112.533, Florida Statutes.

   ______________________________
   Printed Name of Investigator
3. 27.05 The Conclusion will be based on the preponderance of evidence established during the investigation. Each policy violation must have one of the following conclusions:
   a. Unfounded:
A finding or conclusion that the incident alleged in the complaint did not occur or did not involve agency personnel.

b. **Exonerated:**
A finding or conclusion that an incident did occur, but actions taken by agency personnel were consistent with applicable law and/or the Chief’s regulations.

c. **Not Sustained:**
A finding or conclusion fails to discover sufficient evidence to prove or disprove the allegations made in the complaint.

d. **Sustained:**
A finding or conclusion that an allegation is supported by a preponderance of evidence. "Preponderance" means greater weight of evidence, or evidence which is more credible and convincing to the mind.

e. **Exonerated Due to Policy Failure:**
A finding or conclusion that present policy, procedures, rules, or regulations concerning the situation were nonexistent or inadequate.

f. **Exonerated Due to Training Failure:**
A finding or conclusion that agency training covering the situation was nonexistent or inadequate.

4. **27.06M Notifying Complainant/Accused of Final Disposition**
   a. Once an investigation is concluded, a memo shall be sent to the accused employee, via the chain of command, and the Complainant, detailing that an investigation concerning specific allegations has been concluded, and listing the conclusion(s) and disposition of the investigation.

H. **Report Disposition**
1. Once a formal investigation is concluded, a summary of the findings and any disciplinary action against the accused employee will be placed in the employee’s Personnel File located in the UCF Human Resources Department. A copy of all Personnel File contents will be maintained in the Office of the Chief per GO 2212. The complete case file, including all attachments and audio/video tapes, shall be placed in the confidential files located in the Professional Standards Commander’s office. **11.05 27.01M F**
   a. Professional Standards shall be responsible for updating the complaint log to reflect the disposition of the complaint and to maintain the investigative file until its lawful destruction as regulated by the Department of State, Division of Library Services and applicable Florida State Statutes. **27.01M D**

2. At the completion of an investigation, all documents contained in the file become public record unless exempt from disclosure by law. Requests for review and/or copies of completed internal investigations are granted in accordance with applicable law. **27.01M G**

3. All requests for file reviews will be coordinated through Professional Standards. **27.01M G**

4. Requests for copies of completed files are subject to established agency fees per page and coordinated through the supervisor of the Records Unit. As a courtesy, the subject of the investigation may be notified of the request. **27.01M G**

5. Upon request, the accused employee and the victim/complainant may obtain one (1) complete copy of the investigative file at no cost. Upon request, a witness may obtain a copy of his/her statement at no cost. However, if the employee requests copies of audio or video tapes, other than email, the employee must furnish blank cassettes or disks. Requests from other agency employee(s) and citizens are subject to established fees. **27.01M G**

I. **11.06 Discipline Appeals Process**
1. A sworn employee may file an appeal in regards to any discipline actions taken. For sworn personnel this process is outlined in Article 8 of the current Collective Bargaining Agreement.

2. Non-sworn full-time members of the agency may appeal disciplinary actions utilizing the process outlined in UCF-3.033 - University Support Personnel System Predetermination and Arbitration Appeal Procedures for Employees with Regular Status

1400.3 Definitions

CBA – Collective Bargaining Agreement

**Complaint** - an allegation of misconduct, violation of law, or of agency policy or procedure by any member of the agency, whether initiated by citizens or another agency member.
**Discipline** – A written reprimand, suspension or dismissal.

**Employee** - for the purpose of this policy, an employee is defined as all full time and part time personnel employed by the police department.

**Formal Investigation** – Any investigation that may be reasonably expected to result in discipline if the allegations are determined to be true.

**Inquiry** - the review and evaluation of information related to any suspected violation of agency policy or procedure by an employee to determine whether a reasonable belief exists that the employee was involved in the alleged violation and a formal investigation is necessary. An inquiry may be necessary before a formal investigation is undertaken.

**Garrity Rule** – Federal Case Law that, when invoked, applies during Administrative Investigations only. The Garrity Rule allows an Investigator to compel a person (any Government Employee) to answer questions narrowly related to an offence truthfully. If the employee chooses not to answer they can be disciplined up to and including termination. When invoked, the Garrity Rule grants immunity to the employee as it relates to any incriminating information revealed during the Administrative Investigation and any other incriminating information developed because of the employee’s statement.

**Investigation** - an official review and evaluation of information relative to any suspected violation of agency policy or procedure where sufficient information exists to reasonably believe that the employee may have committed the violation. The findings of an investigation could lead to disciplinary action.

**Professional Standards** - the component of the agency which is responsible for coordinating and exercising supervision over all complaints and/or allegations of misconduct against the Police Department or its employees. The Professional Standards Commander shall be directly responsible for the internal affair’s function and shall report directly to the Deputy Chief.

**Professional Standards Investigator** – Professional Standards Personnel or any Investigator assigned an investigation by the Professional Standards Commander. Investigators assigned Investigations by the Professional Standards Commander report directly to the Professional Standards Commander for the purposes of the Internal Investigation.

**Reasonable Suspicion** - facts that constitute less than probable cause but more than a mere guess.

**Recording** - any type of electronic device that retains comments or statements to include, but not limited to, Dictaphones, tape recorders, video cameras, mini-camcorders, and the like. Recordings may also be any written statements by witnesses or written admissions by any alleged violator in an investigation.

**Representative** - an individual who appears with the employee during an interrogation/interview providing support and advice to the employee. This individual may or may not be a member of the agency. This individual is prohibited from participating directly during the interrogation; he/she will be permitted to consult with the employee or provide support and advice to the employee before or after any official interviews. Representatives will not be allowed to participate in the actual interview.