

<p>Scope : All Employees</p>	<p>University of Central Florida Police Department</p>  <p>General Order</p>	<p>Pages: 12 Responsibility: Administrative Bureau Review: March Effective: July 21, 2017 Rescinds: September 9, 2011</p>
<p>TITLE: 1400 –INTERNAL INVESTIGATION AND DISCIPLINE PROCEDURES</p>		

1400 Internal Investigation and Discipline Procedures

1400.1 Purpose: The purpose of this General Order is to establish disciplinary action guidelines consistent with the policies, rules and regulations of this Department, the University of Central Florida (University), and applicable collective bargaining agreements. Also, 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 a department member, in a complete, fair, and timely manner.

1400.2 Policy: It is essential that employees of the Department be provided with an environment in which they can exercise their legal and professional responsibilities without fear of reprisal or harassment. It is also essential that the Department maintain integrity and public respect by providing the general public with an environment where they are not subjected to law enforcement misconduct or abuse. To ensure this ends, the Department has adopted a formal complaint procedure. The Chief of Police and representatives shall maintain discipline for misconduct and shall take appropriate action. The Professional Standards Division has the responsibility of supervising and monitoring the disciplinary procedure on behalf of the Chief of Police.

1400.3 Procedure:

- A. The Department has established and put into operation a system for recording, registering, and controlling all complaints and investigations of alleged or suspected misconduct within the Department. All complaints alleging employee misconduct shall be handled in a manner that ensures each is addressed effectively, through an adjudication process that is based on the principle of fair and equal treatment for all and that also complies with all applicable rules of law.
- B. The Department shall professionally and thoroughly investigate all allegations of employee misconduct in a manner that ensures the rights of all persons are protected throughout the investigation and subsequent proceedings.
- C. Professional Standards Commander or designee 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.
- D. Reporting of Alleged Violations/Receipt of Complaints
 - 1. When an employee receives a complaint from someone outside of the Department against another employee, they shall refer the complainant to the appropriate supervisor or to the Professional Standards Commander.
 - 2. Complaints shall be accepted from any source, whether made in person, by mail, by email or by telephone.
 - a. Complainants should be encouraged to submit their complaint, in writing utilizing Citizen Complaint/Concern Form Against Sworn/Non-sworn Police Personnel or recorded and, whenever possible, under oath;

3. Anonymous complaints may be accepted but, shall be handled only upon approval of the Chief of Police (or designee), who shall determine the extent to which the complaint should be investigated.
4. An employee receiving a complaint shall contact an on-duty supervisor. The supervisor shall make contact with the complainant and confirm that all identifiable witnesses and information are documented.
5. Supervisors shall document instances of work rule violations.
 - a. Any employee establishing a pattern of carelessness, negligence, or incompetence through documented deviation from work rules, or Professional Standard Division records, may be alleged to have violated Standards of Conduct. (refer to GO 1003)
6. All alleged or suspected violations of the laws, statutes, or ordinances of the United States, State of Florida, or any Department regulation, directive, or lawful command coming to the attention of any Department employee shall be reported as soon as practical using the appropriate format.

E. Investigative Responsibilities

1. Supervisory Investigations

- a. An employee's immediate supervisor, or any other supervisor within the employee's chain of command, should typically be responsible for investigating the following complaints after the complaint has been reviewed by the Professional Standards Commander or designee and assigned to the immediate supervisor:
 - (1) Rudeness.
 - (2) Use of obscene or profane language.
 - (3) Refusal to properly identify oneself.
 - (4) Personal appearance.
 - (5) Improper operation of a vehicle.
 - (6) Failure to take reports when necessary.
 - (7) Failure to take appropriate action when necessary.
 - (8) Improper investigative procedures.
 - (9) All other complaints that are outside of Professional Standards' area of responsibilities.
- b. 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.

2. Professional Standards Investigations

- a. 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.
 - (6) Excessive use of force.
 - (7) Complaints of illegal discrimination made by a citizen or a department 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.

F. Supervisor Procedures

1. All department supervisors are responsible for investigating any complaints against their subordinates, or referring complaints against any member of the Department to Professional Standards for investigation when it appears that discipline greater than a written reprimand may result.
 - a. Referral shall be made by way of the Blue Team detailing the particulars of the complaint.
2. The investigation will not begin until after the complaint has been reviewed by the Professional Standards Commander or designee and assigned to the supervisor by the Professional Standards Commander or designee.

3. The supervisor will then enter the complainant's contact information and a synopsis of the complaint in the Blue Team System.
 - a. 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.
 - b. Any statements or hard copy paperwork associated with the complaint will be placed in the Professional Standards Commander's mailbox.
4. In some cases, the complainant may simply be unaware of the officer's or the employee's duties in a particular circumstance or the complaint may be the result of a misunderstanding (Service/Practice related).
 - a. The supervisor may be able to satisfy the complaint by adequately explaining these circumstances to the complainant (and should do so); in these cases, the supervisor need only document the circumstances in the narrative portion of Blue Team.
 - b. Supervisors handling demeanor complaints that do not rise to the level of completing a Notice of Remedial Action, and are satisfied upon meeting with the complainant, shall document the issue and resolution in Blue Team System.
5. Professional Standards shall render technical assistance to any supervisor who requests it to complete his/her investigation.
6. Complaints may be assigned by the Professional Standards Commander or 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.
7. If during the inquiry stage, the investigating supervisor establishes a reasonable belief that a policy violation occurred and the outcome of the discipline may result in a written reprimand or higher for a sworn employee, such inquiry shall immediately cease and the employee shall be granted all rights consistent with the CBA and Law Enforcement Officers' Bill of Rights.
8. 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.
9. Complaints that are determined to be founded shall be handled in accordance with established disciplinary procedures.
10. 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.
11. 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.

G. Rights of Sworn Employee

1. Florida Statutes afford all officers who are the subject of an internal affairs investigation certain rights. Any employee who is the subject of an internal affairs investigation shall be afforded all rights and is expected to comply with all responsibilities contained in Florida Statutes. (§112.531 - §112.535 Fla. Stat.)
 - a. In accordance with statutory provisions, any sworn Department employee who becomes the subject of an internal affairs investigation shall be notified in writing of:
 - (1) Statements of the allegations; and,
 - (2) Employee's rights and responsibilities relative to the investigation.
2. Officer rights do not apply to non-sworn employees.
3. 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.

4. 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.
5. 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.

H. Criminal Investigation of Department Employee

1. When an 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.
2. When the Lieutenant/Watch Commander or any department member is advised an employee is the subject of a criminal investigation, he/she shall immediately notify the Chain of Command and the Professional Standards Commander or designee.
 - a. 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.
 - b. All criminal investigations involving department employees that require investigation shall be referred to Professional Standards for investigation unless otherwise directed by the Chief.

I. Duty to Notify Chief

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

J. Requirement for Sworn Investigation

1. All investigations shall be conducted in compliance with §112.531, of the Florida Statute.
2. The interrogation shall be conducted during on-duty hours, unless immediate action is required due to the seriousness of the investigation.
3. 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.
4. 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.
5. 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.

6. The interrogation session shall be conducted for a reasonable period of time and appropriate breaks shall be allowed.
7. 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.
8. 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.
9. 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.
10. The Department shall notify the person of any proposed disciplinary action prior to the day it is formally imposed.
 - a. Administrative actions such as relieving personnel from duty pending an investigation or transferring or reassigning personnel to better allocate department resources are not disciplinary or punitive in nature and, therefore, are excluded from this requirement.
11. No disciplinary action shall be undertaken by the Department 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 Department that is authorized to initiate a formal investigation receives notice of the allegation.
12. In the event the Department 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:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
13. Timeliness of Investigation
 - a. All investigations shall be completed within 45 days of the date the initial complaint was made, unless the Chief of Police requests a shorter deadline. If an extension is needed, a written status report and extension request shall be forwarded to the Deputy Chief of Police prior to the 45th day.
 - b. In no case shall any investigation take more than 180 days after the date the initial complaint was made, absent statutory exceptions.

K. Conducting Internal Investigation for Sworn Employee

1. 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.
2. 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.

3. 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 the Department control of internal investigations.
4. 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.
5. 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.
6. The content of an internal investigation is confidential until the investigation is concluded, consistent with applicable law.
7. Pre-Interview Format
 - a. 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.
8. Recording Interviews
 - a. 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.
9. Questioning Witnesses
 - a. All related statements should be recorded, reduced to writing and whenever possible, under oath.
 - b. If an individual is believed to be a witness, but after questioning has no knowledge of the incident, the investigator should include the witness' name in the final report with the fact that no information was gained from the interview.
 - c. 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.
10. 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 Department personnel, the entire interview period, including breaks, must be audio or video 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.
11. Investigative Tools
 - a. No employee is required to submit to a "truth detection device."
 - b. All testing methods for the detection of illegal controlled substances shall be conducted in conformance with Florida State Statutes and department directives.
 - 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.

- 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.
 - e. Offices, desks, file cabinets, planners, computers, vehicles, cell phones and all other facilities and equipment issued or assigned by the Department may be searched consistent with applicable law to collect and preserve evidence related to an investigation or for supervisory oversight. Department members are hereby specifically informed that they have no expectation of privacy in regard to offices, desks, file cabinets, planners, computers, vehicles, cell phones and all other facilities and equipment issued or assigned by the Department.
 - 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.
12. 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.
- L. Relief From Duty
1. The UCF 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. Conditions of Relieving From Duty With Pay
 - a. 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.
 - b. If the Human Resources director or 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.
 - c. Personnel relieved of duty with pay for the reasons stated above shall surrender their department 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.
 - d. 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.
 - e. The Chief may temporarily reassign the employee.
 - f. Any Command Officer exercising this authority must report his/her action via chain of command to the Chief, as soon as possible.
 - g. 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:
 - (1) To address the emotional and personal needs of the employee.
 - (2) To assure the community that verification of all the facts surrounding such incidents are reviewed by Professional Standards, and a department 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.

3. Suspending Employees From Duty Without Pay
 - a. 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.
 - b. Personnel relieved of duty without pay shall surrender their department 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.
 - c. 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.

M. 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.
2. The investigator shall provide a case status report, either in writing or orally, to the Professional Standards Commander every fourteen (14) days.
3. The investigator shall periodically notify the complainant of the case status.
4. 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.
5. 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 §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 §112.532 and §112.533, Florida Statutes.

Printed Name of Investigator

N. Conclusion of Fact

1. 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:**
 - (1) A finding or conclusion that the incident alleged in the complaint did not occur or did not involve department personnel.
 - b. **Exonerated:**
 - (1) A finding or conclusion that an incident did occur, but actions taken by department personnel were consistent with applicable law and/or the Chief's regulations.

- c. Not Sustained:
 - (1) A finding or conclusion fails to discover sufficient evidence to prove or disprove the allegations made in the complaint.
 - d. Sustained:
 - (1) 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:
 - (1) A finding or conclusion that present policy, procedures, rules, or regulations concerning the situation were nonexistent or inadequate.
 - f. Exonerated Due to Training Failure:
 - (1) A finding or conclusion that department training covering the situation was nonexistent or inadequate.
- O. Notifying Complainant/Accused of Final Disposition**
- 1. 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.
- P. 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. The complete case file, including all attachments and audio/video tapes, shall be placed in the secured confidential files located in the Professional Standards Commander's office.
 - 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.
 - 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.
 - 3. All requests for file reviews will be coordinated through Professional Standards.
 - 4. Requests for copies of completed files are subject to established department 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.
 - 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.
- Q. Discipline Procedures**
- 1. The immediate supervisor has the primary responsibility for taking or requesting disciplinary action against an employee, but should consult with their higher-level authority
 - 2. Discipline may only be administered by the supervisor who has been delegated the authority to do so. This delegation of authority varies with the severity of the disciplinary action and is identified as follows:
 - 3. Disciplinary Action Authority
 - a. Oral Reprimand – Employee's immediate supervisor or higher-level supervisor;
 - b. Written Reprimand – Employee's immediate supervisor or higher-level supervisor with the prior approval of the Chief;
 - c. Suspension/Discharge – the Chief shall arrange for a review of the proposed action by the Director of Human Resources, or his/her designee. If the proposed action is approved, the Director of Human Resources, or his/her designee, will implement the suspension/discharge.
 - 4. Types of Corrective Action

- a. Oral Reprimand - An oral reprimand is defined as a discussion between a supervisor and the employee where the employee is advised and cautioned about unsatisfactory work performance or misconduct. It is often the first step of the disciplinary action and is only used for minor infractions. A written confirmation of an oral reprimand shall be kept in the Professional Standards Division file. (Note: it is not a standard university practice to remove however, in terms of using towards progressive discipline, per the USPS disciplinary regulations – oral reprimands would not be considered towards progressive discipline if one (1) year has elapsed since the date of issue.)
- b. Written Reprimand – A written reprimand shall be defined as a written documentation to the employee from the supervisor where the employee is advised and cautioned about his/her satisfactory work performance or misconduct. The written reprimand will document the date, time and place of the inappropriate behavior or performance, future expectation of the employee and consequences should the inappropriate behavior or performances continue. Written reprimands shall be held at Professional Standards Division.
- c. Suspension – The suspension of an employee shall be subject to the approval of the Chief and the Director of Human Resources or his/her designee to ensure consistency of action throughout the institution.
- d. Discharge – When less severe actions fail in correcting an employee’s job related behavior, or when the offense requires immediate separation from employment, a discharge action should be taken. It shall be subject to the approval of the Chief and the Director of Human Resources or his/her designee, who shall issue the discharge. If authorized by the Chief with the approval of the Human Resources Director, an employee may be placed on administrative leave with or without pay pending an investigation, which may be continued between the notice of proposed disciplinary action and the date of final action. Employees who are discharged for disciplinary reasons will not be eligible for rehire. In the event an employee is dismissed, the employee will be notified in writing by UCF Human Resources and advised:
 - (1) The reason for the dismissal;
 - (2) The effective date of the dismissal;
 - (3) The status of fringe and retirement benefits after dismissal; and,
 - (4) A statement outlining the employee’s rights.

5. Standards for Disciplinary Actions

- a. Disciplinary action selected for a particular offense will be chosen based on the facts of the specific situation taking into consideration any extenuating circumstances.
- b. Previous offenses will be considered when determining the level of discipline to impose for a new offense subject to the following:
 - (1) After two (2) years have lapsed from the date of written reprimand or one (1) year for an oral reprimand, such reprimand will not be used for escalating the level of disciplinary action but will be referred;
 - (2) Suspensions and written reprimands in lieu of suspension can be used indefinitely, with no time limit whatsoever.

R. Non-sworn Members Investigations

- 1. Non-sworn (USPS) member’s predetermination procedures shall be in accordance with UCF Regulations 3.033.
- 2. Discipline shall be in accordance with UCF Regulations 3.0124 (A&P) and 3.0191 (USPS).
- 3. The Police Department reserves the right to investigate all non-sworn members’ allegations of misconduct, in conjunction with UCF Human Resource.

S. Discipline Appeals Process

- 1. Oral reprimands and letters of counseling shall not be subject to the appeal/grievance procedure.
- 2. 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.
- 3. Non-sworn full-time members of the Department 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.

T. Counseling

1. Counseling is a critical aspect of building a strong workforce since it allows for the free interchange between employees and their supervisors. Counseling affords supervisors the opportunity to reiterate job responsibilities and performance expectations to employees. It also provides the proper forum for addressing emerging conduct and/or performance problems.
2. Counseling gives supervisors the opportunity to tell employees how they are failing, meeting or exceeding expectations. A firm, appropriate response when an employee first demonstrates unacceptable conduct or performance can often prevent larger or continuing problems.
3. Counseling is not an official disciplinary action; rather it is an attempt to stop the unacceptable conduct or lack of performance before discipline becomes a necessary step.
4. If one or two counseling sessions do not accomplish the needed improvement, formal disciplinary action should be initiated.
5. Counseling sessions should be documented, and the supervisor should confirm the counseling session, including a description of the misconduct or performance issues, what is needed to improve and what consequences will occur if improvement is not made.

1400.4 Glossary:

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, part time and volunteer/intern 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.


Richard M. Beary
Chief of Police