

INTERNAL AFFAIRS DIVISION

COMPLAINT INVESTIGATIONS MANUAL

MCSO POLICY CHAPTER 20-A

(Revised 12/15/2014)

FORMS:BLANK COPIES OF ALL FORMS REFERENCED THROUGHOUT THIS MANUAL ARE AVAILABLE IN THE INTERNAL AFFAIRS FORMS SECTION IN OUTLOOK.

COMPLAINT PROCESSING AND INVESTIGATOR ASSIGNMENT

INTRODUCTION:

The receipt of a complaint is one of the most critical functions in ensuring that an investigation is fair, thorough, and timely. To that end, the information received from a complainant must be accurate, detailed, and specific. In short, when receiving a complaint, who, what, where, when, and how should be captured to reflect an accurate account of the event.

COMPLAINT DEFINITION:

A complaint is any alleged misconduct against an employee, whether it involves a violation of policy and procedure, code of ethics, state or federal law, or other recognized standard of conduct.

COMPLAINT SOURCE:

Complaints will be accepted from any source. A complaint can come from an external or internal source and can be accepted from, but is not limited to:

- An individual aggrieved person, including inmates
- Third party
- Governmental agency
- Anonymous person
- Notice of civil claim

A complaint may be received by the agency in person, by telephone, by e-mail, or by letter. No employee shall attempt to discourage, interfere, or delay an individual from making a complaint. Employees accepting complaints shall be responsive and courteous.

Remember, sometimes legitimate complaints are made by persons who do not wish to be identified or become further involved in the investigative process.

Complainants, therefore, do not have to:

- Appear in person.
- Make their complaint directly to the Internal Affairs Division.
- Swear under oath to the truthfulness of their complaint.
- Agree to participate in certain investigation techniques to have their complaint accepted.
- Identify themselves

ACCEPTING COMPLAINTS:

All employees' are responsible for receiving/accepting complaints. When taking a complaint, the receiving employee shall note the date and time the complaint is received and should obtain the following, if possible:

- Name, address (apartment number and zip code) and telephone number of the complainant.
- Identity of all witnesses and their addresses and telephone number, if known.
- Date and time of the event.
- Location of event, including district.
- Name of personnel involved.
- Physical description of personnel involved if name(s) are not known.

- Police unit number and/or identification.
- Summary of complaint or event.

Employees receiving information concerning misconduct of any employee should immediately contact a supervisor or Internal Affairs Division (IAD) to advise them of the complaint. When an employee and/or supervisor receive a complaint, they shall notify IAD as follows:

- Serious policy violations or criminal violations shall require an immediate notification to IAD.
- Allegations of lesser violation of policy can be forwarded to IAD via e-mail, or telephone during the next days business hours.

At no time shall an employee direct or refer a complainant to contact another member/division of the agency. It is the responsibility of the employee initially receiving the complaint to notify a supervisor and/or IAD.

CONFIDENTIALITY:

When a complaint is made, it shall be treated as confidential. Information about the complaint SHALL NOT BE DISSEMINATED TO OTHER EMPLOYEES, including the accused employee. Once a complaint has been processed, it shall be the assigned investigator who determines the appropriate timing of notification of the accused employee. No other employee shall make this notification.

*Internal investigations are confidential by law and it is a crime to willfully disclose information obtained pursuant to the investigation prior to the investigation being completed (FS 112.533).

CITIZEN COMPLAINT BROCHURE:

The Monroe County Sheriff's Office Internal Affairs Division produces a Citizen Complaint Brochure which is available to all employees. If a citizen asks for one or makes a general inquiry about the complaint process, the employee should provide a brochure. These are available through the detention centers, the district substations, the Internal Affairs Division and on www.keyssso.net. [CALEA 52.1.4]

COMPLAINT INVESTIGATOR ASSIGNMENT:

Every effort will be made to have all complaints against its members be reviewed/investigated by inspectors assigned to the Internal Affairs Division. Allegations that are major violations of Office policy and procedures shall be investigated by the Internal Affairs Division. All investigations assigned to the Internal Affairs Division shall be assigned an Internal Affairs (IA) investigation number, e.g. IA-2014-001. Examples of cases Internal Affairs shall investigate include but are not limited to:

- Violations of Municipal or County Ordinances
- Violations of State Statute and/or Federal Law
- Corruption
- Untruthfulness
- Excessive Use of Force
- Issues of Moral Turpitude as defined in FAC 11-B.
- Allegations of misconduct that if sustained may result in termination or demotion of the accused employee.

If the allegation against a member includes possible criminal charges, the Sheriff or his designee, may assign a criminal investigator. The Sheriff has the discretion to assign/refer the criminal investigation to, but not limited to:

- Florida Department of Law Enforcement (FDLE)
- State Attorney's Office (SAO)
- Any member of the Monroe County Sheriff's Office.

If a criminal investigation is conducted, an inspector from the Internal Affairs Division shall also be assigned to conduct an administrative investigation.

Some acts of misconduct do not require a formal investigation. Should a supervisor witness minor misconduct, or should the facts not warrant a probing investigation, the supervisor shall handle the incident and document the corrective action taken in the member's evaluation. Examples of allegations minor in nature that may be reviewed by a supervisor may include but are not limited to:

- Courtesy
- Failure to Appear/Tardiness
- Personal Dress/Grooming
- Name to be given upon request

[CALEA 26.1.5, 52.2.1 A]

Complaints may initially be worked as preliminary review by the investigator. If while conducting a preliminary review, the investigator can establish reasonable belief that a violation has not occurred, the complaint may be concluded at the review level. This shall be documented on a Preliminary Review (PR) form approved by the Internal Affairs Division and assigned a PR #. (i.e. PR2014-001)

Examples of a PR include, but are not limited to:

- The complaint on its face does not allege any violation of law, policy, or procedure, though the complainant may believe otherwise.
- The complainant may only be expressing a generalized concern.
- The complainant may be requesting informal action in a relatively minor policy violation matter.
- The investigator is able to quickly determine through independent sources (documents, data, dispatch tapes, video, etc.) that the complaint is factually without merit or the employee's actions were within law and policy.

NOTE: A PR does not include interviewing the subject member. If the investigation requires a subject member interview, the complaint shall be conducted as a formal SR or IA investigation.

If the review leads to an investigation, or based on the initial facts presented there is reasonable belief a violation may have occurred and the employee may be subject to discipline, such review shall immediately cease. A formal investigation shall be conducted and where applicable, the employee shall be granted all rights consistent with this policy and F.S.S. 112.523 and 112.533.

ASSIGNMENT OF CASE NUMBER:

When an investigation is assigned, a case number shall also be assigned by the Internal Affairs Division. Upon the complaint being assigned, Internal Affairs will email the case number and the subject employee's background sheet to the assigned investigator.

CONDUCTING AN INVESTIGATION OF AN EMPLOYEE NOT COVERED BY THE POLICE OFFICERS BILL OF RIGHTS

GENERAL GUIDELINES:

As a general rule, the investigator should attempt to determine the facts relevant to the complaint prior to speaking with the accused employee. This would include reviewing the complaint, speaking with the complainant, speaking with witnesses, and reviewing documents or other evidence. The investigator should then speak with the accused employee about the matter. If the employee reveals other potential witnesses or evidence, the investigator should speak with the witnesses (if relevant to the issues being investigated) and review the other evidence.

TIME LIMITS:

Every effort shall be made to complete all investigations within 30 days of receipt of the complaint. Should an extension of time be necessary to complete the investigation, the investigator shall make a written request (email will suffice) to the Internal Affairs Division for an extension, explaining the reasons for the extension. The Sheriff, Inspector General, his/her designee, or the Undersheriff are the only persons authorized to grant the extension. Any such extensions shall be noted in the investigative file and the subject employee shall be provided an approved copy of the request.

NOTIFICATION TO COMPLAINANT: [CALEA52.2.4] [CFA 27.06]

The assigned investigator shall send a letter or email and/or make a documented phone call to the complainant advising of the agency's receipt of the complaint and the name of the investigator.

The investigator shall inform the complainant of the status of the investigation at least every thirty days.

At the conclusion of the investigation, the investigator shall send a final written notification to the complainant advising of the conclusion of fact.

NOTIFICATION TO EMPLOYEE UNDER INVESTIGATION: [CALEA 52.2.5]

The investigator shall notify the employee under investigation by providing a written statement of the allegations, the name of the complainant, and employee rights and responsibilities relative to the investigation. Such notice shall be provided in a timely manner but shall not impede the investigation.

GARRITY:

All employees (civilian or sworn) must answer questions during an administrative investigation. Refusal to answer questions may subject the employee to discipline, up to and including termination. The Garrity advisement may be read to all subject employees and any employee witness who indicates he or she does not wish to answer questions. The Garrity admonition can be found in the Forms section under Internal Affairs in Outlook. This admonition may be printed, read to the subject or witness employee and signed by the subject or witness employee and made a part of the investigation file.

INTERVIEWING A WITNESS:

Note: A witness is a person who may have information relevant and/or material to the particular investigation as determined by the investigator.

The following general rules should be followed when interviewing a witness:

- All interviews shall be documented in some form, either a written statement by the witness, or an

- audio recording. (Audio recording is preferred)
- Select an appropriate location for the interview.
 - Select a reasonable time for the interview, preferably when the employee is on duty, unless necessity dictates otherwise.
 - Be courteous and professional. No investigator should engage in rudeness, offensive language, threats or promises during an interview.
 - Be prepared and limit questioning relevant to the investigation.
 - Place the witness under oath.
 - If the witness requests a representative be present during the interview, the request should be considered unless the request would unnecessarily delay or interfere with the investigation. (Note: generally the representative is only an observer and is not allowed to interject themselves into the interview. It is within the investigator's discretion to allow some clarifying questions or statements by the representative).
 - The interview shall be for a reasonable period and time shall be allowed for personal necessities and/or rest periods.

A template for a witness interview can be found in the Forms section under Internal Affairs in Outlook.

INTERVIEWING THE SUBJECT EMPLOYEE:

The general rules for interviewing any witness apply to interviewing a subject employee not covered by the Police Officer's Bill of Rights.

*Garrity: The Garrity advisement may be read to all subject employees.

WITNESSES REVEALED DURING THE SUBJECT EMPLOYEE'S INTERVIEW:

Should an additional material witness(es) be revealed during the subject employee's interview, the investigator should interview the witness(es) prior to concluding the investigation.

COMPELLED TESTING AND DISCLOSURE OF RECORDS:

In all administrative investigations, the employee may be required to submit to relevant medical, laboratory, or forensic testing. The employee may also be required to provide relevant financial, telephonic, computer or internet records. The employee may also be required to be photographed or participate in a lineup.

DOCUMENTING THE INVESTIGATION:

When the investigation is complete, the investigator will then document the investigation on the approved MCSO Internal Investigation FORM.

A sample report and guide to filling out the form can be found in the Forms section under Internal Affairs in Outlook.

FORWARD FOR REVIEW:

Upon the investigator completing the investigation, it shall be forwarded to the member's Commander for review. (Commander is defined as a Lieutenant/Director or above)

INITIAL DETERMINATION:

Using the Internal Investigation Form, the reviewing Commander shall draw a conclusion of fact which will be one of the following:

- Exonerated – The incident occurred, but the employee’s actions were lawful, proper, and consistent with rules, regulations, policy or State law.
- Unfounded – The allegation is false or not factual.
- Not Sustained – Insufficient facts exist to either prove or disprove the allegation.
- Sustained – The allegation is found to be substantially true. Generally speaking, the incident occurred and the specifically cited law, rule, regulation, or other general or special order was violated by the employee.

If the investigation involves multiple allegations and/or violations a separate finding must be made as to each allegation. [An additional first page of the Internal Investigation Form shall be used for each allegation/violation then all will be attached to the Investigative Summary page(s).

RECOMMENDED ACTION:

If the reviewing Commander finds the complaint to be “sustained”, he/she shall also enter a recommended action and/or discipline on the Form(s).

NOTICE OF RECOMMENDED ACTION TO SUBJECT EMPLOYEE:

The completed investigation with the finding and, if applicable, recommended action (including all attachments and witness statements) shall then be presented to the subject employee for their review prior to the final determination.

Note: The contents of the investigation are still confidential at this point because the investigation is not closed. The subject employee should be reminded of this and the possible consequences of discussing the investigation with anyone other than legal/union representatives.

The employee shall have four (4) calendar days to review the investigation and address the findings and/or the recommended action in the space provided on the form. The employee shall sign the comment section on the line provided. The employee does not have to comment on the investigation. If the employee does not wish to comment, the employee must check the “No Comment” line and sign the investigation (this is required to document that the employee was given the opportunity to address the investigation).

The employee may request a pre-determination hearing. Upon request the member may address the findings in the report with the Final Determination authority before imposing discipline consisting of suspension with loss of pay, demotion, or dismissal. If the member wishes to request a pre-determination hearing, they are to indicate that on the form in the comments section.

The employee shall return the completed investigation with his or her comments to the reviewing Commander.

LEGAL REVIEW:

Upon receipt of the investigation from the subject employee, if the recommended action includes anything above a written reprimand, the investigation shall be forwarded via the chain of command to the Sheriff’s General Counsel for review.

After review, General Counsel will forward to the Sheriff or his designee for final finding and action.

Note: (If the initial determination is not sustained or sustained and recommended action is a written reprimand or less, proceed to “FINAL ACTION”.)

FINAL ACTION:

Upon receipt of the investigation from the subject employee, the investigation shall be forwarded to the Sheriff or his designee via the chain of command.

The Sheriff or his designee shall review the completed investigation to determine a final finding and if applicable, final action.

The completed original investigation shall then be returned to the Internal Affairs Division.

At the conclusion of the investigation, the investigator shall send a final written notification to the employee advising of the conclusion of fact. **[CALEA 52.2.4] [CFA 27.06]**

Internal affairs shall monitor the completion of any imposed retraining, counseling, or discipline and shall file proofs of completion in the investigative file.

It shall be the member's commander's responsibility to ensure that Internal Affairs has all of the necessary proofs of any action imposed.

CONDUCTING INVESTIGATIONS OF EMPLOYEE COVERED BY THE POLICE OFFICERS BILL OF RIGHTS

The Florida Law Enforcement Bill of Rights contains specific requirements for conducting investigations of Law Enforcement Officers or Correction Officers as those terms are defined in FS 112.531.

The Florida Law Enforcement Bill of Rights (FS 112.531-112.535) can be found in Outlook/Public Folders/Internal Affairs.

TIME LIMITS:

Every effort shall be made to complete all investigations within 30 days of receipt of the complaint. Should an extension of time be necessary to complete the investigation, the investigator shall make a written request (email will suffice) to the Internal Affairs Division for an extension, explaining the reasons for the extension. The Sheriff, Inspector General, his/her designee or Undersheriff are the only persons authorized to grant the extension. Any such extensions shall be noted in the investigative file and the subject employee shall be provided an approved copy of the request.

In every case, Internal Investigations shall be completed within the time frames set forth in Sections 112.523(6) Law Enforcement and Corrections Officers' Bill of Rights. The agency shall have 180 days to investigate misconduct against the member made by a person outside the Sheriff's Office. A complaint made within the agency shall be completed in a timely manner. However, in the event the investigation is not completed within 180 days, and the complaint originated internally, the Sheriff may proceed with disciplinary actions pursuant to, *McQuade v. Florida Department of Corrections*, 51 So.3d 489 (1st DCA, 2010).

Any outside complaint extensions granted extending the investigation beyond 180 days will only be granted in accordance with F.S 112.532 (6), i.e., the period is tolled for a statutorily enumerated reason. [CALEA 52.2.3]

NOTIFICATION TO COMPLAINANT: [CALEA 52.2.4] [CFA 27.06]

The assigned investigator shall send a letter or email and/or make a documented phone call to the complainant advising of the agency's receipt of the complaint and the name of the investigator.

The investigator shall inform the complainant of the status of the investigation at least every thirty days.

At the conclusion of the investigation, the investigator shall send a final written notification to the complainant advising of the conclusion of fact.

NOTIFICATION TO EMPLOYEE UNDER INVESTIGATION: [CALEA 52.2.5] [CFA 27.06]

The investigator shall notify the employee under investigation by providing a completed Notice of Investigation form. The form will contain a written statement of the allegations, the name of the complainant, the investigator assigned, and employee rights and responsibilities relative to the investigation. Such notice shall be provided in a timely manner but shall not impede the investigation.

GARRITY:

All employees (civilian or sworn) must answer questions during an administrative investigation. Refusal to answer questions may subject the employee to discipline up to and including termination. The Garrity

advisement may be read to all subject employees and any employee witness who indicates he or she does not wish to answer questions. The Garrity admonition can be found in the Forms section under Internal Affairs in Outlook. This admonition may be printed, read to the subject or witness employee and signed by the subject or witness employee and made a part of the investigation file.

INTERVIEWING WITNESSES:

The Bill of Rights requires that all identifiable witnesses be interviewed prior to questioning the subject employee.

Note: A witness is a person who may have information relevant and material to the particular investigation.

The following general rules should be followed when interviewing a witness:

- All interviews shall be documented in some form, either a written statement by the witness, or an audio recording. (Audio recording is preferred)
- Select an appropriate location for the interview.
- Select a reasonable time for the interview, preferably when the employee is on duty, unless necessity dictates otherwise.
- Be courteous and professional. No investigator should engage in rudeness, offensive language, threats or promises during an interview.
- Be prepared and limit questioning relevant to the investigation.
- Place the witness under oath.
- If the witness requests a representative be present during the interview, the request should be considered unless the request would unnecessarily delay or interfere with the investigation. (Note: generally the representative is only an observer and is not allowed to interject themselves into the interview. It is within the investigator's discretion to allow some clarifying questions or statements by the representative).

The interview shall be for a reasonable period and time shall be allowed for personal necessities and/or rest periods.

A template for a witness interview can be found in the Forms section under Internal Affairs in Outlook.

INTERVIEWING A SUBJECT EMPLOYEE COVERED BY THE BILL OF RIGHTS:

Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of this agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be

asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she must be informed of the names of all complainants. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation 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 all his or her rights before commencing the interrogation.

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she has the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

Note: The statements are confidential at this point pursuant to FS 112.532 and 533. The subject employee and his or her representative should be so advised and of the possible consequences for revealing the information to anyone else.

The subject officer must be placed under oath and advised of his or her obligation to tell the truth. The officer must also be advised that making false statements may subject the officer to prosecution for perjury.

The investigator may use the Subject Employee Administrative Interview template Form to conduct the interview. This Form can be found in the Forms section under Internal Affairs in Outlook.

WITNESS REVEALED DURING THE SUBJECT OFFICER'S INTERVIEW:

Should additional material witness(es) be revealed during the subject employee's interview, the investigator shall interview the witness(es) prior to concluding the investigation or continuing the subject officers interview.

COMPELLED TESTING AND DISCLOSURE OF RECORDS:

In all administrative investigations, the employee may be required to submit to relevant medical, laboratory, or forensic testing. The employee may also be required to provide relevant financial, telephonic, computer or internet records. The employee may also be required to be photographed or participate in a lineup.

DOCUMENTING THE INVESTIGATION:

When the investigation is complete, the investigator will then document the investigation on the MCSO Internal Investigation form.

The Form, a sample report and guide to filling out the form can be found in the Forms section under Internal Affairs in Outlook.

Note: The investigator must swear that the contents of the report are true and accurate based upon his/her personal knowledge, information and belief. The investigator must also swear that he/she has not knowingly or willfully deprived, or allowed another to deprive the subject of the investigation of any rights contained in FS 112.532 or 112.533.

FORWARD FOR REVIEW:

Upon the investigator completing the investigation, it shall be forwarded to the members Commander for review. (Commander is defined as Lieutenant/Director or above)

INITIAL DETERMINATION:

Using the Internal Investigation Form, the reviewing Commander or his/her designee shall draw a conclusion of fact which will be one of the following:

- Exonerated – The incident occurred, but the employee’s actions were lawful, proper, and consistent with rules, regulations, policy or State law.
- Unfounded – The allegation is false or not factual.
- Not Sustained – Insufficient facts exist to either prove or disprove the allegation.
- Sustained – The allegation is found to be substantially true. Generally speaking, the incident occurred and the specifically cited law, rule, regulation, or other general or special order was violated by the employee.

If the investigation involves multiple allegations and/or violations a separate finding must be made as to each allegation. [An additional first page of the Internal Investigation Form shall be used for each allegation/violation then all will be attached to the Investigative Summary page(s).

RECOMMENDED ACTION:

If the reviewing Captain finds the complaint to be “sustained”, he/she shall also enter a recommended action and/or discipline on the Form(s).

NOTICE OF RECOMMENDED ACTION TO SUBJECT EMPLOYEE:

The completed investigation with the finding and, if applicable, recommended action (including all attachments and witness statements) shall then be presented to the subject employee for their review prior to the final determination.

Note: The contents of the investigation are still confidential at this point because the investigation is not closed. The subject employee should be reminded of this and the possible consequences of discussing the

investigation with anyone other than legal/union representation.

The employee shall have four (4) calendar days to review the investigation and address the findings and/or the recommended action in the space provided on the form. The employee shall sign the comment section on the line provided. The employee does not have to comment on the investigation. If the employee does not wish to comment, the employee must check the "No Comment" line and sign the investigation (this is required to document that the employee was given the opportunity to address the investigation).

The member may request a pre-determination hearing. Upon request the member may address the findings in the report with the Final Determination authority before imposing discipline consisting of suspension with loss of pay, demotion, or dismissal. If the member wishes to request a pre-determination hearing, they are to indicate that on the form in the comments section.

The employee shall return the completed investigation with his or her comments to the reviewing Commander.

LEGAL REVIEW:

Upon receipt of the investigation from the subject employee, if the recommended action includes anything above a written reprimand, the investigation shall be forwarded via the chain of command to the Sheriff's General Counsel for review.

After review, General Counsel will forward to the sheriff or his designee for final finding and action.

Note: (If the initial determination is not sustained or sustained and recommended action is a written reprimand or less, proceed to "FINAL ACTION".)

FINAL ACTION:

Upon receipt of the investigation from the subject member, the investigation shall be forwarded to the Sheriff or his designee via the chain of command.

The Sheriff or his designee shall review the completed investigation to determine a final finding and if applicable, final action.

The completed original investigation shall then be returned to Internal Affairs Division.

At the conclusion of the investigation, the investigator shall send a final written notification to the employee advising of the conclusion of fact. [CFA 27.06]

Internal affairs shall monitor the completion of any imposed retraining, counseling, or discipline and shall file proofs of completion within the investigative file.

It shall be the member's commander's responsibility to ensure that Internal Affairs has all of the necessary proofs of any action imposed.

OBJECTIONS BY SUBJECT OFFICER DURING THE INVESTIGATION

The following provisions only apply during investigations of law enforcement or corrections officers as defined in Florida Statute 112.531.

If the subject officer believes that there has been an intentional violation of the Police Officers Bill of Rights by the investigator during the course of the investigation, the subject officer shall advise the investigator of the violation and the specific factual basis for the violation.

The investigator shall evaluate the objection and attempt to immediately provide a “cure” for any actual violation. (Investigators are encouraged to contact Internal Affairs or the Legal Division to evaluate the validity of any objection). If the investigator does not find the objectionable issue to be a violation of the Law Enforcement Bill of Rights, the investigator shall explain to the subject officer why there is no violation.

If the subject officer still maintains a violation exists and the subject officer requests that the Sheriff or the Undersheriff be notified, then the interview of the subject officer shall cease.

The investigator shall refer the matter to the Legal Division for resolution pursuant to the provisions of F.S. 112.534.

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