

Policy: 1617.10, Relief of Duty, Alternative Duty, and Limited Duty

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I. PURPOSE

This policy establishes guidelines on who has the authority to relieve an employee of their responsibilities and what protocols the employee should adhere to.

II. POLICY

It is the policy of this Department to maintain its integrity and good order by properly relieving and suspending sworn members when such need arises. Professional staff should refer to the appropriate City of Orlando policy and procedure or to the applicable collective bargaining agreement.

III. DEFINITIONS

None

IV. PROCEDURES

1. AUTHORITY

Any manager, within his or her command, may relieve a member of duty, with pay, if the member remaining on duty would be detrimental to the Department or the member. Any employee significantly involved in an incident in which death or serious bodily injury occurred shall be temporarily removed from duty, served with a Relief of Duty Form, and shall not be returned to duty until the completion of a preliminary administrative review. A member may also be relieved of duty with pay pending the completion and disposition of an investigation. Any sworn manager may relieve a member, when appropriate.

Any manager has the authority to serve a suspension resulting from an internal investigation; however, only sworn managers shall serve suspensions to sworn employees.

2. DEFINITIONS

2.1 RELIEF OF DUTY

Relief of duty is not an indication of guilt or innocence. It is an administrative action to remove a member from the police environment. It includes:

- a. Relieving the member of all duties, but with pay; or
- b. Relieving the member of all duties, without pay. Members in this status may utilize accrued leave time, i.e., personal leave, compensation, sick leave, where appropriate.

2.2 SUSPENSION

Suspension from duty is the relief of duty, without pay, for disciplinary purposes.

2.3 ALTERNATIVE DUTY

Alternative Duty is the assignment of a member to non-law enforcement duties. During this period, authority, power, and privileges as a law enforcement officer are suspended, including law enforcement extra-duty employment.

2.4 OFFICIAL DUTIES

Official duties include all law enforcement activities engaged in by a member:

- a. While in an on-duty status; or,
- b. While carrying an approved firearm off duty for the purpose of engaging in a law enforcement capacity.

While paragraph "b" above shall be considered "official duties," injuries incurred during these activities shall not be automatically considered compensable for pension and workers' compensation. Each off-duty injury shall be evaluated based upon existing policy, practice, and law.

2.5 LIMITED DUTY

Limited duty is a temporary status in which a member may take police action while engaged in his or her official duties, whether on or off duty. Members may be temporarily reassigned to a different job assignment while in this

status. Limited duty may be granted with or without law enforcement related extra-duty privileges. Pursuant to court orders, the Department may impose restrictions regarding a member's possession of his or her duty weapon and/or personally-owned firearms. This determination shall be made by the Chief of Police and/or his or her designee.

In any event, the policy of the Department is to limit liability and provide self-protection for the member when possible. There are certain occasions that clearly mandate the total restriction of a member's police authority. The decision to allow the member to maintain police authority shall rest with the appropriate bureau commander.

2.5.1 LIMITED DUTY WITH PRIVILEGES

Limited duty with privileges is the ability to carry out "official duties" as defined in Section 2.4 above and to engage in extra-duty employment as approved by the Department.

2.5.2 LIMITED DUTY WITHOUT PRIVILEGES

Limited duty without privileges is the ability to carry out "official duties" as defined in Section 2.4 above, with additional limitations as determined by the Chief of Police. Members in this status SHALL NOT engage in any law enforcement extra-duty employment.

2.6 ADMINISTRATIVE REVIEW

An administrative review is a documented assessment of the preliminary information regarding an incident or occurrence, prepared by the employee's bureau commander. An administrative review is conducted when any employee is significantly involved in an incident resulting in death or serious bodily injury. For additional information, refer to the current issue of P&P 1309, Officer-Involved Shootings, Deaths (or Life-Threatening Injuries) and In-Custody Deaths.

3. PROCEDURES AND RESPONSIBILITIES

3.1 RELIEF PENDING INTERNAL INVESTIGATION

Procedures for the relief of duty pending internal investigations are prescribed in the current issue of P&P 1604, Discipline.

3.2 RELIEF NOT RELATED TO INTERNAL INVESTIGATION

When a member is relieved of duty for reasons not related to an internal investigation, the following procedures apply.

3.2.1 EMPLOYEE'S RESPONSIBILITY

Upon being relieved of duty, the employee will:

- a. Relinquish badge, Department-issued firearm(s), police identification, police radio, gunbelt (with accessories), all OPD-issued keys/electronic cards, and other issued equipment as deemed necessary by the manager.
- b. Turn in assigned vehicle.
- c. Respond to all pages and be able to arrive at Orlando Police Headquarters within 45 minutes during business hours.

- d. Not work extra-duty jobs that entail wearing the police uniform or need for police authority.
- e. If not a member of the bargaining unit, not work for another employer during those hours to which he or she is obligated to, and compensated by, the Department.
- f. If a member of the bargaining unit, comply with the terms of the collective bargaining agreement regarding extra-duty employment.

3.2.2 MANAGER'S RESPONSIBILITY

When a member is relieved of duty, the relieving manager shall:

- a. Inform the employee of the charges against him or her, unless, in the manager's opinion, such information would compromise the investigation, and the employee shall be so informed.
- b. Take possession of the employee's badge, firearm(s), police identification, police radio, gun belt (with accessories), all OPD-issued keys/electronic cards and other issued equipment as deemed necessary by the manager. The manager shall turn the equipment in to the Quartermaster Unit for secure keeping. Managers at the Airport may secure the affected equipment at the Airport.
- c. Notify the bureau commander of his or her actions.
- d. Complete a Relief of Duty-Nondiscipline form (Attachment A). Ensure that the relief of duty session is audio-recorded, and that a witness signs the Relief of Duty form when it is served.
- e. Formally notify the affected employee of his or her relief of duty and verbally inform the employee of his or her loss of authority, power, privileges, and access to all OPD computers.
- f. Contact the Department's Technology Business Analyst to have the affected employee's computer password disabled, if deemed necessary by the employee's manager.
- g. If the relieved employee is in uniform, he or she shall be ordered to change into civilian clothing as soon as possible.
- h. Direct the employee to contact Internal Affairs at 8 a.m. the next business day, Monday through Friday.
- i. Within 24 hours, return the Relief of Duty form to the Internal Affairs Section for proper filing and documentation and ensure that copies of the form are directed to the employee's chain of command.
- j. If an employee is significantly involved in an incident in which death or serious bodily injury occurred, or is arrested or formally charged with any offense constituting an act of domestic violence, the involved employee's section commander shall make a mandatory supervisory referral to the Employee Assistance Program (EAP) within 24 hours of the incident by contacting EAP to schedule the appointment for the officer. The section commander will notify the employee of the date and time of the appointment on the Management Referral Form (Attachment A in the current issue of P&P 2202). The form will be faxed to EAP immediately upon completion.

When making the EAP appointment, the section commander will request that EAP notify the employee's bureau commander when the employee has attended the EAP session.

The section commander will be responsible for verifying the employee's attendance at the mandatory EAP session.

If an employee is subject to a mandatory supervisory referral to the Employee Assistance Program (EAP), they should be made aware that the purpose of this EAP referral is for them to discuss any physical or psychological effects that they may have as a result of the incident so that the counselor can make an educated evaluation of their

readiness to return to duty when that time is determined. Other than giving the title of the incident, the employee is not required to discuss the specifics of the incident that would interfere with the investigative process or their legal rights.

3.2.3 BUREAU COMMANDER'S RESPONSIBILITY

After a member has been relieved of duty, the affected bureau commander/designee shall:

- a. Review the circumstances upon which the relief of duty occurred and obtain any supporting documentation.
- b. Make a recommendation to the Chief of Police as to whether the member MAY be assigned alternative or limited duty.
- c. Upon the Chief's approval, serve the appropriate duty notice alternative (Attachment B)/limited (Attachment C) to the affected member.
- d. For all cases in which an employee is significantly involved in an incident in which death or serious bodily injury occurred, the bureau commander will conduct an administrative review. Refer to the current issue of P&P 1309, Officer-Involved Shootings, Deaths (or Life-Threatening Injuries) and In-Custody Deaths, for proper procedures and forms. Copies of the administrative review will be provided to the employee, Internal Affairs, and the Chief of Police.
- e. No later than 20 days after the incident, the employee's bureau commander shall make a recommendation to the Chief of Police if any changes to the employee's duty status should be made.
- f. A Return to Duty form (Attachment D) shall be directed to the employee's division commander indicating when the employee should be returned to full duty.
- g. The original Return to Duty form will be maintained by the employee's division commander, with copies distributed to the employee, Internal Affairs, and the Chief of Police.

3.3 DOMESTIC VIOLENCE INJUNCTIONS

Upon being served with a domestic violence injunction, the member shall immediately notify the on-duty watch commander and provide the watch commander with a copy of the injunction. The watch commander shall relieve the member of duty, serve the Relief of Duty form, and notify the affected member's bureau commander. The watch commander shall ensure that within 24 hours, the Bureau Commander, the Internal Affairs Section, and the Police Legal Advisor are provided a copy of the injunction via the chain of command.

The Internal Affairs Section shall review the injunction, along with any court documents filed with the injunction, to determine whether the facts require the initiation of an internal investigation. If no internal investigation is necessary, the Police Legal Advisor will review the documentation to determine if the injunction meets the requirements of the Federal Gun Control Act, FGCA 18 USC 922(g)(8) or as amended. If the injunction meets the requirements of the FGCA, and the member is approved for Limited Duty, then the member shall only be allowed to carry the handgun issued by the Agency. The member shall be served with a Notice of Limited Duty (Attachment C) by a sworn manager, and shall be advised as part of the limited duty status that the member may not possess or use any firearms except those issued by the Agency for official use. Any member in a limited duty status shall ensure that any private firearms are held by someone else and stored at a location other than the member's residence(s).

Members who continue to perform their official duties shall not knowingly, while in possession of their assigned firearm, have contact with the petitioner in the domestic violence injunction.

Members shall comply with all the terms and conditions of the domestic violence injunction. Any violation of the domestic violence injunction while in a limited-duty status may result in relief of duty and/or appropriate discipline.

Members not approved for limited duty may be assigned to alternative duty or remain in a relief of duty status.

4. CONDITIONS DURING RELIEF OF DUTY

Conditions during relief of duty are as follows:

- a. Members are prohibited from working extra-duty jobs that entail the wearing of the police uniform or need for police authority.
- b. Members must turn in marked patrol vehicles assigned to them.
- c. Members may work jobs which are not related to law enforcement.
- d. Members will not be permitted to participate in in-service training or attend special schools.
- e. If the relief of duty is initiated while a member is in attendance at a Department-sponsored school, the Chief of Police or designee shall determine whether the member will continue in school.
- f. If a promotional examination, in which the member would normally be eligible to participate, is given while the member is relieved of duty, the member will be allowed to participate in the promotional process.

5. CONDITIONS DURING ALTERNATIVE DUTY

Conditions during alternative duty are as follows:

- a. Members are prohibited from working extra-duty jobs that entail the wearing of the police uniform or need for police authority.
- b. Members must turn in marked patrol vehicles assigned to them.
- c. Members may work jobs that are not related to law enforcement, as long as the employment does not interfere with the condition(s) resulting from the alternative duty status. Bureau Commanders must review and approve the off-duty employment.
- d. Members may be allowed to participate in in-service training or attend special schools upon approval of the Bureau Commander.
- e. If the alternative duty is initiated while a member is in attendance at a Department-sponsored school, the Bureau Commander or designee shall determine whether the member will continue in school.
- f. If a promotional examination, in which the member would normally be eligible to participate, is given while the member is on alternative duty, the member will be allowed to participate in the promotional process.

6. CONDITIONS DURING LIMITED DUTY WITH PRIVILEGE

Conditions during limited duty are as follows:

- a. Members may work extra-duty jobs that entail the wearing of the police uniform or need for police authority.
- b. Members may work jobs that are not related to law enforcement, as long as the employment does not interfere with the condition(s) resulting from the limited duty status. Bureau Commanders must review and approve the off-duty employment.

- c. Members may be allowed to participate in in-service training or attend special schools upon approval of the Bureau Commander.
- d. If limited duty is initiated while a member is in attendance at a Department-sponsored school, the Bureau Commander or designee shall determine whether the member will continue in school.
- e. If a promotional examination, in which the member would normally be eligible to participate, is given while the member is on limited duty, the member will be allowed to participate in the promotional process.

7. CONDITIONS DURING LIMITED DUTY WITHOUT PRIVILEGE

Conditions during limited duty are as follows:

- a. Members are prohibited from working extra-duty jobs that entail the wearing of the police uniform or need for police authority.
- b. Members who are assigned a firearm in order to perform their official duties shall turn in that firearm at the end of their shift and in no case are they allowed to take said firearm home.
- c. Members shall not wear police uniforms while traveling to and from work.
- d. Members who are assigned marked vehicles shall leave them parked at their assigned OPD facility at the end of their shift.
- e. Members may work jobs that are not related to law enforcement, as long as the employment does not interfere with the condition(s) resulting from the limited duty status. Bureau Commanders must review and approve the off-duty employment.
- f. Members may be allowed to participate in in-service training or attend special schools upon approval of the Bureau Commander.
- g. If the limited duty is initiated while a member is in attendance at a Department-sponsored school, the Bureau Commander or designee shall determine whether the member will continue in school.
- h. If a promotional examination, in which the member would normally be eligible to participate, is given while the member is on limited duty, the member will be allowed to participate in the promotional process.
- i. Furthermore, the member will not utilize arrest powers nor engage in police-related activity requiring the use of force, except in the defense of life, while in an off-duty status.

V.FORMS AND APPENDICES

ATTACHMENT A-Relief of Duty Form: Nondiscipline

ATTACHMENT B-Notice of Alternative Duty Status

ATTACHMENT C-Notice of Limited Duty Status With or Without Privileges

ATTACHMENT D-Return to Duty

VI.REFERENCES

This policy rescinds Policy and Procedure 1627.9

Related Policies: Not Applicable

Related Laws: Not Applicable