

Policy: 1604.13, Discipline

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I. PURPOSE

The Chief of Police and representatives shall maintain discipline for misconduct and shall take appropriate action. The Internal Affairs Section has the responsibility of supervising and monitoring the disciplinary procedure on behalf of the Chief of Police.

II. POLICY

The Department shall ensure the integrity of its reputation through conscientious investigation and just disposition of each inquiry. The Department requires its employees to comply with all regulations and work rules (refer to the City of Orlando Policies and Procedures Manuals for any policies and/or topics not specifically covered in this or other Department directives).

III. DEFINITIONS

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 or any incident deemed necessary by the Chief of Police or his/her designee.

Civilian Employee: Any nonsworn employee of the Department.

Compliance Review Hearing: The process by which a person under investigation, who believes their Law Enforcement Officer's Bill of Rights has been intentionally violated by the agency or an Internal Affairs Investigator, may seek remedy of an alleged intentional violation, Per [Florida Statute 112.534](#).

Compliance Review Panel: A panel to determine if a sworn member's Law Enforcement Officer's Bill of Rights have been intentionally violated during an administrative investigation, Per Florida Statute 112.534.

Department: The Orlando Police Department.

Employee: Any sworn or nonsworn employee of the Department.

Investigator: Internal Affairs Investigator assigned to a case or a supervisor/manager assigned to investigate any administrative internal investigation (e.g., short form INOI, or applicable long form INOI).

Manager: Any member who holds rank of lieutenant or above, or any nonsworn section commander or above.

Member: Any sworn employee of the Department.

Regulations: Standards of conduct for which all employees shall be held accountable. Normally, only violations of regulations shall be documented in the form of an Initial Notice of Inquiry (INOI).

Relief of Duty: Administrative action to remove an employee from the workplace; It is not discipline.

Supervisor: Sergeant, Corporal /ASL (when actually serving as unit supervisor), civilian supervisor.

Suspension: Relief from duty without pay for disciplinary purposes.

Transient: Any person without a permanent residence or temporarily living in a hotel or boarding/rooming house.

Written Directives: Policy and Procedures, Legal Bulletins, Standard Operating Procedures (SOPs), and Special Notices, collectively, are considered work rules. Alleged violations of these work rules shall be documented in the employee's supervisory notes in the absence of an inquiry.

IV. PROCEDURES

1. REPORTING OF ALLEGED INCIDENTS

Supervisors shall document instances of work rule violations. Any employee establishing a pattern of carelessness, negligence, or incompetence through deviation from work rules, as documented in the employee's supervisory notes or Internal Affairs Section records, may be alleged to have violated Department regulations.

All alleged or suspected violations of the laws, statutes, or ordinances of the United States, State of Florida, City of Orlando, or any Department regulation, written directive, or lawful command coming to the attention of any Department employee shall be reported as soon as practical using the appropriate format.

When a formal inquiry is initiated against a civilian employee, the assigned investigator will initiate a Letter of Notice to the affected employee, advising the employee of the nature of the investigation, the assigned investigator, and the Internal Investigative Report (IIR) number. This will be accomplished within the timeframe specified in the current labor agreement.

2. RESPONSIBILITY OF INVESTIGATION

2.1 INVESTIGATIONS

All complaints against the Agency or its members will be documented by the appropriate authority. The Chief of Police may direct Internal Affairs to investigate any inquiry. However, the Internal Affairs Section normally will be responsible for investigating all complaints made by the public and all in-house complaints except for:

- a. Violations of:

Regulation Manual	Regulation Manual Section
RM 300-4	Punctuality and Absences
RM 300-7	Reporting
RM 500-1	Department Property and Equipment (Includes the loss or damage of an issued MCT and/or its accessories. Does not include department issued firearms)
RM 500-6	Safe Driving of Police Vehicles
RM 800-7	Handling Property and Evidence (As it relates to the loss of citizen property over \$100)
RM 1000-1	Court Appearances

- b. Less-serious in-house violations when the employee does not contest the allegation, or when the employee's bureau commander agrees that the investigation can be handled within the employee's chain of command. Examples of "less-serious in-house violations" could include, but are not limited to, violations of the following regulations:

Regulation Manual	Regulation Manual Section
RM 200-5	Duty Responsibilities
RM 200-9	Obedience to Laws and Department Procedures (e.g., failure to attend mandatory block training, failure to activate body worn camera, failure to submit property and evidence by the end of tour of duty)
RM 300-13	Use of Tobacco Products while on duty (e.g., smoking where prohibited)
RM 800-7	Handling Property and Evidence (As it relates to the loss of citizen property under \$100)

- c. Allegations that are not clearly a policy violation, and therefore inappropriate for handling by Internal Affairs, shall be handled by either the chain of command or the Police Legal Advisor.

Inquiries not investigated by the Internal Affairs Section shall be assigned to the employee's chain of command for investigation. Upon completion of the investigation, the investigating supervisor shall forward the investigation report to the Internal Affairs Section for review.

2.2 REQUIREMENTS FOR COMPLETING INVESTIGATIONS

All investigations shall be conducted in compliance with Florida Statutes 112.531, et. seq., as follows: The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required; the interrogation shall take place either at the office of the commander of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer or agency; the law enforcement 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; the law enforcement officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she shall be informed of the names of all complainants.

Whenever possible, all identifiable witnesses shall be interviewed 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 all witness statements, may voluntarily waive his or her right to review any or all of those witness statements and voluntarily provide a statement at any time during the investigation.

If an officer chooses to waive his or her right to review witness statements and desires to provide a voluntary statement prior to all identifiable witnesses being interviewed, the accused officer shall sign an Administrative Investigative Interview Waiver (AIIW) form (Attachment A) prior to such statement. In the absence of a waiver, the investigation will proceed according to Florida Statute and this policy.

2.2.1 COMPLIANCE REVIEW PROCESS

The Compliance Review Process shall be in accordance with Florida Statute 112.534.

If any law enforcement agency, including investigators in its Internal Affairs or Professional Standards Division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply. For purposes of this section, the term "law enforcement officer" includes the officer's representative or legal counsel, except in application of Florida Statute 112.534(1)(d).

The accused officer shall advise the Internal Affairs Investigator, or supervisory investigator or Internal Affairs Manager of the intentional violation. If notification is made during an interview of the accused officer, the investigator shall attempt to cure the violation. When an investigator who is not assigned to the Internal Affairs Section is notified of a possible intentional violation by an accused officer, that investigator must notify the Internal Affairs supervisor or manager of the allegation before continuing the interview, including after business hours. If the Internal Affairs supervisor or manager cannot be reached, the interview must stop and be rescheduled until notification to the Internal Affairs supervisor or manager has been completed.

If the issue relating to the alleged intentional violation is cured, the investigative interview with the accused officer shall continue. If it cannot be cured, the accused officer may request that the Chief of Police or designee be notified of the alleged violation. Once this request is made, the interview of the officer shall cease and the Officer Notice of Alleged Intentional Officer Rights Violation (Attachment B) shall be completed by the accused officer and the Investigator Notice of Alleged Intentional Officer Rights Violation (Attachment C) shall be completed by the investigator. A refusal by the accused officer to respond to additional questions after making such a request shall not be considered insubordination.

An accused officer who alleges a continuing intentional violation must provide a written notice of that violation and request a Compliance Review Hearing (CRH) with the Chief of Police or designee within three (3) working days (see Attachment D). The notice must contain sufficient information to identify the requirements of Florida Statute 112.532 and/or 112.533 that are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presented during the compliance hearing. For the purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

Unless otherwise remedied by the Agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any State, County or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

It is the responsibility of the compliance review panel to determine whether the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents, and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.

The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer.

If the alleged violation is sustained as intentional by the compliance review panel, then the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the Chief of Police shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standard and Training Commission for review as an act of official misconduct or misuse of position.

The running of the 180-day limitations period is tolled during the time that the officer's compliance hearing proceeding is continuing, beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by the agency.

2.2.2 INVESTIGATIVE REPORT

Whoever investigates the INOI and prepares the investigative report must include and attest to the following statements:

- a. "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 of the rights contained in Fla. Stat. 112.532 and 112.533. I verify pursuant to s.92.525 that the contents of the report are true and accurate based upon my personal knowledge, information, and belief."
- b. "Pursuant to [Florida Statute 92.525](#), under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief."

The above written declaration shall be printed or typed at the end of or immediately below the Investigative Narrative of the INOI, followed by the signature of the person completing the investigation.

2.2.3 PRINCIPAL OFFICER STATEMENT

If a written or typed statement is obtained from the officer who is the subject of the investigation, then the following must be printed or typed at the end of or immediately below that statement, but above the signature of the officer making the statement:

"Pursuant to Florida Statute 92.525, under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief."

3. RECEIVING INQUIRIES FROM THE PUBLIC

3.1 REFERRAL DURING NORMAL BUSINESS HOURS

During normal business hours, the public shall be directed to the Internal Affairs Section to address complaints or inquiries. If unable to respond to the Internal Affairs Section in person, the complainant may make contact by telephone (number 407.246.2352) and an Internal Affairs investigator will make arrangements for meeting with the complainant. The complainant may also submit a complaint through the online portal (<https://www.orlando.gov/Public-Safety/OPD/File-a-Complaint-About-an-OPD-Officer>) at any time. If extenuating circumstances make it impractical for the complainant to contact Internal Affairs, the procedures prescribed in Section 3.2 shall be followed.

3.2 PROCEDURE DURING NONBUSINESS HOURS

Should a complaint arise during hours when Internal Affairs personnel are not available, the receiving employee should contact the affected employee's immediate supervisor, if on duty. If the immediate supervisor cannot be contacted within ten minutes, the receiving employee shall notify one of the affected employee's managers. The affected employee's manager shall be responsible for the initiation of an inquiry or, when appropriate, forwarding documentation of the complaint to the affected employee's supervisor for inclusion in supervisory notes. If the receiving employee does not know the identity of the affected employee's supervisor, the receiving employee shall notify the on-duty watch commander, who shall handle the matter as stated above.

3.2.1 RESPONSIBILITIES FOR THE EMPLOYEE DOCUMENTING THE COMPLAINT

The employee documenting the complaint shall:

- a. Complete the Citizen's Complaint Form (Attachment E), have the citizen swear that the allegations are true and sign the form, and ensure that the complaint form is notarized properly (Notary Public). If the complainant is intoxicated, have the citizen complete the written complaint form but do not have him or her sign the form. Forward the form to the Internal Affairs Supervisor for follow-up.
- b. Make a recording of the interview when the complainant is a tourist or transient.
- c. Complete the appropriate INOI form; however, if a supervisor or manager cannot determine the appropriate violation or cannot determine whether the officer's actions rise to the level of a violation, the written complaint form should be forwarded to the Internal Affairs Supervisor for follow-up.
- d. Take pertinent evidence and photographs when a complainant has been injured from what appears or is alleged to be improper action by an employee of the Department.
- e. Notify the complainant that all information gathered during the course of an administrative investigation is considered confidential until the investigation becomes a public record.
- f. Upon conclusion of an Internal Affairs formal investigation (INOI) in accordance with Florida Statute 112.532 and 112.533, the Internal Affairs Professional Standards Specialist shall send the complainant written

notification of the final determination of his or her complaint. The notification shall include the finding and discipline, if applicable. The affected employee will be notified of the final determination of the internal investigation through the Internal Investigative Report, in accordance with the current labor agreement and Florida Statutes 112.531, et. seq.

3.2.2 CITIZEN REFUSAL TO SIGN THE COMPLAINT FORM

Should the citizen decline to sign the form, the supervisor or manager shall write "refused" on the line designated for the complainant's signature and sign his or her own name indicating receipt of the complaint. The supervisor or manager shall then forward the Citizen's Complaint Form to the Internal Affairs Section for review and filing.

3.2.3 EXCEPTION

The Citizen's Complaint Form need not be signed and notarized when:

- a. The complainant is a member of City government.
- b. The complainant is anonymous.
- c. The complainant or initiating party is a member of any governmental agency.
- d. The alleged violation is one that must eventually be communicated in writing to the Criminal Justice Standards and Training Commission. (For a list of these violations, see Florida Statutes, Chapter 943.13, and Rule 11B-27.0011, Florida Administrative Code.)

3.3 SUPERVISORY REFERRALS

Occasionally, citizens will contact Internal Affairs with questions or concerns that do not warrant being handled in a formal manner. Under these circumstances, Internal Affairs will obtain all pertinent information from the citizen. The information will be recorded, as provided, in the Internal Affairs database. The supervisory referral information will be forwarded to the affected officer's supervisor via BlueTeam.

The supervisor will normally have 14 days upon receiving the Supervisory Referral to contact the citizen and attempt to resolve the issue. The supervisor will complete the Supervisory Referral in BlueTeam and forward it via their chain of Command to Internal Affairs within 30 days unless the IA Manager or supervisor agrees to an extension.

Internal Affairs will maintain a record of all Supervisor Referrals.

No citizen inquiry will be handled by a supervisor without the knowledge of the inquiring citizen. The handling of a citizen concern by a supervisor does not prohibit the inquiring citizen from pursuing a formal investigation if there is a possible policy violation.

4. INITIAL NOTICE OF INQUIRY FORM (INOI)

Any sworn officer or civilian employee may initiate an INOI (Attachment F). However, only the Chief of Police or the Chief's designee may authorize an investigation by Internal Affairs. The exceptions are in-house complaints concerning violations of RM 300-4, RM 300-7, RM 500-1, RM 500-6, and RM 1000-1. Only these RMs may be initiated and investigated by a supervisor, acting supervisor, or higher-ranking officer as defined in Section 4.4.1 without authorization by the Chief of Police.

INOs shall include the following:

- a. Witness list.
- b. Alleged violation and appropriate RM or Policy. (When charging RM 200-1, Standards of Conduct, the specific conduct must be stated.)
- c. INOI Routing List (Attachment G)

The initiator of an INOI may revise or modify the INOI to a more appropriate charge up until the Chief of Police or the Chief's designee has approved the INOI for investigation. After the INOI has been assigned to Internal Affairs, only Internal Affairs may revise, modify or void the INOI.

The original alleged violation may be modified as a result of the facts revealed by the investigation. The Internal Affairs investigator will ensure that written notification of the allegation and a copy of rights and responsibilities relative to the investigation are provided to the affected employee before an administrative interview is conducted concerning the allegation.

4.1 SHORT FORM INITIAL NOTICE OF INQUIRY

In-house complaints concerning violations of RM 300-4, RM 300-7, RM 500-1, RM 500-6, and RM 1000-1 may be initiated and investigated by a supervisor using the Short Form INOI (Attachment H) if the employee waives the option to proceed with a more formal investigation and does not wish to contest the SUSTAINED finding of this incident during initial questioning. The initiating supervisor or command officer shall comply with the provisions of Section 5.2 of this policy and the discipline article of the applicable contract.

If the employee waives the formal investigation and does not wish to contest the SUSTAINED finding, the immediate supervisor will complete the Short Form INOI and request a discipline printout on the employee from Internal Affairs. The supervisor will then forward the Short Form INOI to the sworn employee's manager to recommend discipline. The Short Form INOI is then forwarded to the final disciplining authority via the chain of command. The final disciplining authority will review the INOI and forward it to Internal Affairs for review. Internal Affairs will return the INOI to the disciplining authority who will administer discipline, have the employee sign the form, and return the INOI to Internal Affairs for filing in the employee's record (see Appendix A, Flow Chart of In-House INOI - Minor Complaints Completed by Supervisor).

4.2 ROUTING OF RECORDING AND INQUIRY FORM

The original and a copy of the INOI and the Citizen's Complaint Form, if any, shall be routed as follows:

- a. The original INOI, and Citizen's Complaint Form, if any, and the recorded interview (if applicable) shall be placed into a sealed envelope, forwarded or hand carried to the office of the Chief of Police. After the Chief's review and approval or disapproval, the INOI shall be forwarded to the Internal Affairs Section to be logged in to a control system.
- b. A copy of the INOI and the Citizen's Complaint Form shall be placed into a sealed envelope, forwarded or hand carried to the affected employee's bureau commander for notification purposes only. The bureau

commander shall forward this copy to the appropriate investigating entity (which will normally be Internal Affairs). See Appendix B, Flow Chart of Long-Form INOIs.

- c. Should the affected employee's bureau commander be unknown, the copies shall be forwarded to the Internal Affairs Section.

4.3 PROCEDURE FOR VOIDING AN INOI

- a. If it is determined that an INOI will be voided, a detailed memorandum outlining the reasons the INOI is being voided shall be attached to the INOI. The memo and INOI shall be forwarded to the Chief of Police via chain of command.
- b. The Chief of Police or the Chief's designee will approve or disapprove the request. The Chief may also request additional information. If additional information is requested, the INOI shall be sent back down the chain for the additional information and forwarded back up the chain of command to the Chief of Police.
- c. Internal Affairs will notify the affected bureau commander and the initiating employee when the INOI has been officially voided. The voided INOI will remain on file in Internal Affairs until it is purged according to Florida law.
- d. Only the initiator of the INOI may rescind the INOI without formally voiding it prior to the Chief of Police approving an investigation. After the Chief of Police has given his formal approval, the INOI must be voided in accordance with this section.

5. RELIEF OF DUTY

Relief of duty is not an indication of guilt or innocence. It is an administrative action to remove an employee from the police environment. An employee can be Relieved of Duty up to and including completion and disposition of the investigation or criminal prosecution. Based on the nature and seriousness of the allegation(s), relief of duty may involve a reassignment to alternative duty with pay. An employee who is arrested or charged with a felony or designated misdemeanor under 943.13, F.S., who is not terminated, may be reassigned to alternative duty or may be relieved of duty without pay upon completion of the disciplinary process.

As a matter of policy, any employee significantly involved in incidents in which death or serious bodily injury occurred shall be temporarily removed from duty, at the discretion of the Chief of Police, served with a Relief of Duty Form, and shall not be returned to duty until the completion of a preliminary administrative review. If there is any doubt as to whether an employee was "significantly involved," for the protection of the employee and the agency, the employee should be relieved of duty. The employee's return to full duty shall be determined by his or her bureau commander in compliance with the current issue of P&P 1309, Employee-Involved Shootings, Deaths (or Life-Threatening Injuries) and In-Custody Deaths.

5.1 AUTHORITY

Any manager, within his or her command, may relieve an employee from duty, with pay, if the employee's remaining on duty would be detrimental to the Department or the employee. An employee may also be relieved of duty pending

the completion and disposition of an investigation. Any manager may relieve a civilian employee when appropriate. Only sworn managers, Chief of Staff or the Internal Affairs Section Manager shall relieve members.

5.2 MANAGER'S RESPONSIBILITIES

When an employee is relieved of duty for disciplinary purposes pending an investigation, 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.
- b. Take possession of the employee's badge, Department-issued 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 into 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 Form: Internal Investigation (Attachment I). Ensure that the relief of duty session is audio-recorded, and 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. Notify the OPD Relief of Duty email group to have the affected employee's IT security access disabled.
- 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 a firearm is used in a deadly force situation by an employee, significant force is used against an employee, or the employee was significantly involved in an incident in which death or serious bodily injury occurred, 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 Mandatory Referral Form (Attachment A) in the current issue of P&P 2202, Employee Assistance Program). The form will be faxed to EAP immediately upon completion.

When making the EAP appointment, the section commander will request that EAP notify the agency's representative(s) documented on the EAP referral form when the employee has attended the EAP session. The employee's firearm may be returned to the employee after clearance from EAP. If the employee's firearm is not

returned, then the employee must requalify with the re-issued firearm prior to return to duty status including Alternative Duty and Limited Duty.

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

5.3 EMPLOYEE'S RESPONSIBILITIES

Upon being relieved of duty, the employee will:

- a. Relinquish badge, Department-issued 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.
- b. Turn in assigned vehicle.
- c. Contact Internal Affairs at 8 a.m. the next business day. The employee shall respond to all calls or text messages and shall be able to arrive at Orlando Police Headquarters within 45 minutes during business hours (8 a.m. to 5 p.m.) It shall be the employee's responsibility to secure permission from the Internal Affairs Supervisor or manager in instances where the employee is seeking a change in response status (e.g., the employee is going out of town for a family emergency that would make the 45-minute response time impossible or to confirm previously scheduled personal leave).
- d. Not work or coordinate extra-duty jobs that entail wearing the police uniform or need for police authority.
- e. Not work for another employer during those hours which he or she is obligated to, and compensated by, the Department. Officers desiring to work for other employers during hours when they are not compensated by the Department shall comply with current policy regulating non-law enforcement related employment. See the current issue of P&P 1117, Extra-Duty and Outside Employment.

5.4 EMPLOYEE'S RETURN TO DUTY

If an employee has been removed from duty due to significant involvement in an incident in which death or serious bodily injury occurred, the employee's bureau commander shall ensure that the following are completed:

- a. A preliminary administrative review is conducted.
- b. Based on the administrative review and recommendations from the mandatory EAP referral, the bureau commander will determine when the employee should be returned to full duty.
- c. A Return to Duty Form, located in the current issue of P&P 1309, Employee-Involved Shootings, Deaths (or Life-Threatening Injuries) and In-Custody Deaths, will be directed to the employee's division commander indicating when the employee should be returned to full duty.
- d. Copies of the Return to Duty Form will be distributed to the employee, Internal Affairs, and the Chief of Police.

6. INQUIRIES FOR DISCHARGE OF FIREARMS

When the discharge of a firearm occurs, except in approved target shooting, approved shooting of an animal, or at sporting events, the affected employee shall contact his or her immediate supervisor. The immediate supervisor shall be responsible for ensuring that an incident report and Post-Accident Drug & Alcohol Form are completed, initiating an inquiry and immediately notifying Internal Affairs. The Internal Affairs Section will be responsible for the administrative investigation of all firearm discharges that result in an inquiry. See the current issue of 1605, Employee Drug and Alcohol Screening.

When a commander authorizes the killing of an animal for humane reasons when no other disposition is available, the member shall complete an Incident Report in lieu of a Defensive Tactics Form, as well as a Risk Management form, and shall notify Animal Control.

When an officer or a citizen comes under immediate attack by a vicious animal and the officer is forced to kill the animal, and the commanding officer deems no inquiry (INOI) is necessary, the member shall complete an Incident Report in lieu of a Defensive Tactics Form, as well as a Risk Management form, and shall notify Animal Control.

If the discharge of a firearm results in any injury or death, the immediate supervisor shall notify the Chief of Police and the Police Legal Advisor.

7. INVESTIGATIVE REPORTS

The following delineates the investigative reporting process.

7.1 CONTENTS OF INTERNAL INVESTIGATIVE REPORT (IIR)

The Internal Investigative Report (IIR) shall include the number and title of the alleged violation or charge, and the details of the incident, recorded in chronological order and addressing each point of the alleged violation.

7.2 QUESTIONING SESSIONS

Whenever possible, all interviews, oral statements and orders that are part of an administrative investigation shall be recorded. The questioning of a principal officer during the course of an administrative investigation must be recorded. The employee or the employee's representative shall not be allowed to record these sessions. A copy of the recorded interview shall be provided to the employee and/or union upon request within 72 hours. Witnesses shall not be allowed to record their Internal Affairs interview. All Departmental recordings pertaining to investigations shall be forwarded to the Internal Affairs Section for storage.

Anyone conducting an internal investigation shall be further guided by the employees' applicable labor agreement, State statutes, and/or all applicable City policies concerning the conduct of interviews.

7.3 RECOMMENDATIONS OF FINDING(S)

Regarding all investigations assigned to Internal Affairs, at the completion of the investigation, the investigator assigned to investigate the allegations shall recommend a finding for each alleged violation. If the assigned investigator becomes unavailable or incapacitated, the Internal Affairs Section Supervisor or Manager shall recommend a finding for each alleged violation. Line supervisors or managers who are assigned investigations shall recommend a finding for each alleged violation. The possible findings are defined as follows:

- a. Sustained - Guilty as charged.
- b. Not Sustained - Not guilty by insufficient evidence to prove or disprove the allegation.
- c. Unfounded - Incident did not occur, or employees accused were not involved.
- d. Exonerated - Act was legal and proper.

Normally, internal investigations conducted or assigned outside of Internal Affairs shall be completed and findings recommended within 45 calendar days from the date of initiation of the inquiry. Should personnel other than Internal Affairs conduct an investigation and it is determined that the investigation will likely exceed 45 days, a request for an extension must be made in writing and submitted to Internal Affairs.

7.4 EMPLOYEE RESIGNATIONS, TERMINATIONS, OR RETIREMENTS

When an employee resigns, is terminated, or retires from employment with the City, any incomplete disciplinary investigation against the employee shall be completed if it concerns a violation that, in accordance with the administrative rules of the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission, must be reported to the Commission. The Department shall allow the former employee the option of including written comments or statements concerning the investigation and finding into the official record. Upon separation of employment with the Orlando Police Department, the Police Officer's Bill of Rights, Florida Statute 112, et. Seq. will no longer apply to the former employee as it relates to their disciplinary investigation.

8. CONFIDENTIALITY AND CONCLUSION OF INTERNAL INVESTIGATION

All information concerning an active internal investigation shall remain confidential pursuant to applicable statutes.

For purposes of this procedure, a case shall be concluded and subject to public records disclosure when the conditions specified in Florida Statute 112 are met or when the case is closed upon the direction of the Chief of Police.

For the purpose of this directive, an investigation shall be considered active as long as it continues with a reasonable, good-faith anticipation that an administrative finding will be made in the foreseeable future.

If more than one employee is the subject of a single investigation, the assigned investigator will cause a separate file to be prepared for each affected employee.

Internal investigations are not considered "concluded" and will not become public record until the findings are reviewed by the chain of command and the officer is subject to disciplinary action, or a final determination is made not to proceed with disciplinary action. The authority to denote an internal investigation as public record is the responsibility of the Internal Affairs Section Manager or Supervisor.

After ensuring that all conditions have been met to finalize the internal investigation, the Internal Affairs Section Manager or Supervisor will change the investigation's status to that of "Public Record."

Upon receipt of a completed internal investigation, the Internal Affairs Section Manager or Supervisor will determine if it has been reviewed and approved by all members in the affected employee's chain of command, and that all

appeals and/or grievances have been satisfied. This applies, if applicable, to all copies of investigative reports, if multiple officers were involved. After ensuring that all conditions have been met to finalize the internal investigation, the Internal Affairs Manager or Supervisor will change the investigation's status to that of "Public Record."

No employee is to discuss the contents of any internal investigation until it has become public record. An employee that is the subject of an internal investigation is permitted to discuss the contents of their investigation with their attorney or representative. If an employee is unsure of the status of a case, he or she shall contact the Internal Affairs Section Manager or Supervisor.

The confidentiality of Internal Affairs investigations will be maintained in accordance with Florida Statutes. All current Internal Affairs investigations will be maintained in secure storage in the Internal Affairs Section.

9. THE POST-INVESTIGATIVE IIR PROCESS

The following sections delineate the post-investigative IIR process. See Appendix B for a flow chart depicting this process.

9.1 EMPLOYEE RESPONSE

Once the inquiry has been investigated, the IIR with the recommended finding shall be forwarded to the employee's bureau commander or the highest-ranking manager for review. It will then be forwarded to the employee. The employee shall be given five (5) business days (excluding contractual holidays) to review the completed inquiry (IR) and provide a written response to the investigation prior to any initial recommendation from the employee's Lieutenant, Chief of Staff or section manager. The supervisor will complete a 5-Day Response Form (Attachment J) and will have the employee sign the form. Additional time for response, not to exceed (5) five additional business days may be granted by the Department Labor Advisor. If the employee chooses to submit a written response, he or she is to comment only upon the facts or lack of facts contained in the investigation. The written response shall become part of the INOI.

The employee shall not remove the original INOI package from the section commander's office. The employee will be allowed to review the INOI package in the section commander's office. If the employee requests a copy, the section commander or designated supervisor will direct the employee to obtain a copy from Internal Affairs. The employee shall not be allowed to copy the INOI package himself or herself.

All managers and supervisors are responsible for the integrity of the INOI package while it is in his or her possession for review or serving on the affected employee.

The employee may request, at any time up to and during the (5) five-day review period, a meeting to discuss the resolution of the charges filed against that employee. The meeting will be attended by the employee (and upon request, he or she shall be represented by a union representative and/or counsel), the assigned Internal Affairs Investigator, if requested by the Deputy Chief, member, or Union, the Deputy Chief or designee in the employee's chain of command, and any other person deemed necessary by the Deputy Chief. In those situations where the employee's chain of command does not have a Deputy Chief, the meeting will be held with the Chief of Staff.

The purpose of the meeting is to discuss the pending or completed investigation, potential discipline, and to determine if a consensus can be reached on the appropriate disposition of the allegations investigated, including appropriate levels of discipline, if any.

If the parties reach a consensus, that consensus will be reduced to writing by the Deputy Chief and forwarded to the Chief of Police for approval. If the Chief approves the agreement, the consensus reached shall be implemented and the investigation and grievance process considered complete. If the Chief does not approve the agreement, the matter will progress as if no meeting had been held.

Nothing discussed at any meeting so held shall be binding upon any party until a final report is approved by the Chief, and nothing discussed at the meeting shall be used against the employee if a consensus is not implemented.

9.2 CHAIN OF COMMAND

Once the employee has reviewed the INOI, the supervisor shall forward it to the employee's chain of command for discipline recommendations. For sworn members, discipline recommendation will begin with the rank of Lieutenant, Chief of Staff and or Internal Affairs Manager. Each person in the discipline recommendation chain may review the inquiry and discuss with the appropriate bureau commander any disagreement with the recommended findings; however, persons in the employee's chain of command may not modify the inquiry, or attach any written comments to the inquiry, except for a discipline recommendation and the justification for the recommended action. Each person in the chain of command has (5) five business days to submit a discipline recommendation and forward the inquiry to the next level in the chain of command. The inquiry must reach the bureau commander's office no later than (15) fifteen calendar days after its receipt by the employee who is the subject of the investigation.

Once the disciplining authority has reached a decision regarding discipline, the INOI shall be returned to the Internal Affairs Section. The Chief of Police will then be afforded the opportunity to review all the case files and make amendments. The Chief of Police, or Deputy Chief of Police, or Chief of Staff may amend any finding(s), discipline or charge(s) after the final decision is made by the disciplining authority, but prior to the presentation of discipline to the affected employee. The chain of command shall consider disciplinary actions for similar violations in the past, and the employee's disciplinary history, prior to recommending discipline. Charges can only be amended if the sustained conduct of the officer(s) had been addressed during the investigation and the amended charge(s) is related to the sustained conduct. If charges are amended after the final decision is made by the disciplining authority, the affected employee shall be given an additional (5) five business days (excluding contractual holidays) to:

1. Review the completed inquiry (INOI).
2. Review the amended charges.
3. Provide a written response to the disciplining authority.

The supervisor shall complete a 5-Day Response Form and present the form to the employee for signature. Additional time for response may be granted by the Department's Labor Advisor. If the employee chooses to submit a written response, he or she may comment only upon new charges based on the facts or lack of facts contained in the investigation. The written response shall become part of the IIR. The response shall then be forwarded directly to the Deputy Chief of Police or Chief of Staff who amended the charges.

10. DISCIPLINE PROCEDURES

10.1 DISCIPLINE CATEGORY ASSIGNMENT

The discipline-administering authority and the types of discipline that may be administered are: determined by the category assignment. Administering authorities and types of discipline that can be administered for each category are as follows:

1. **Category I:** Section Commanders may administer discipline from oral reprimand up to, and including, 40-hour suspension without pay.
2. **Category II:** Division Commanders may administer discipline from oral reprimand up to, and including, 240-hour suspension without pay.
3. **Category III:** Deputy Chiefs and Chief of Staff may administer discipline from oral reprimand up to, and including, demotion, and termination.

All inquiries investigated by Internal Affairs shall be assigned to Category III. Category assignment for inquiries investigated within the employee's chain of command will be determined by the investigator, in accordance with the following guidelines, for violations of Regulations 300-4, 300-7, 500-1, 500-6 and 1000-1:

- a. Category I, if it is the first sustained violation of the applicable regulation in the employee's current discipline record.
- b. Category II, if it is the second sustained violation of the applicable regulation in the employee's current discipline record.
- c. Category III, if the employee has at least two previous sustained violations of the same regulation in his or her current discipline record, or the inquiry results in a sustained violation of any regulation other than those five listed above.

10.2 RECOMMENDATIONS FOR DISCIPLINE

In making the recommendations for discipline, Discipline will be consistent and progressive for similar or substantially similar violations in the preceding 7-year period. The administering authority shall consider the following:

An employee's 7-year prior discipline history ,and any of the following: the nature and seriousness of the offense, and whether the offense was intentional and technical or inadvertent, or was committed maliciously, or was frequently repeated, the relation to employee's duties, position, and responsibilities, the employee's job level and type of employment, including supervisory or fiduciary role, contact with the public, and prominence of the position, the effect of the offense upon grievant's ability to perform at a satisfactory level and its effect upon supervisor's confidence and grievant's ability to perform assigned duties, the notoriety of the offense or its impact upon the reputation of the employer shall be proper cause for the discipline to be enhanced above the progressive discipline for similar or substantially similar violations in the preceding 7-year period.

The administering authority shall recommend just one type of discipline for each violation. The types of discipline are:

- a. Oral reprimand
- b. Written censure

- c. Suspension without pay
- d. Demotion
- e. Termination

Should any discipline other than an oral reprimand be recommended, a Notice of Disciplinary Action form (Attachment K) shall be completed, signed by the administering authority, and attached to the IIR.

10.3 PRESENTATION OF DISCIPLINARY DECISION

After the case file has been returned to the disciplining authority, the affected employee shall have 5 business days from the time he or she is advised of the disciplining authority's decision to:

- a. Sign the appropriate space on the INOI indicating agreement with the disposition and acceptance of the discipline; or
- b. Sign the appropriate space indicating disagreement with, and intent to appeal either:
 - a. The disposition, or
 - b. The disciplinary action, or
 - c. Both the disposition and disciplinary action.

10.4 INVOCATION OF DISCIPLINE

After the employee has been advised of the final decision, the appropriate manager shall invoke discipline in the following manner:

- a. Discipline involving oral reprimand, written censure, and termination shall be invoked immediately. An employee who has received a Notice of Termination at a termination meeting may be relieved from duty without pay from the day after the termination meeting until the conclusion of the grievance process.
- b. All other discipline shall be invoked when either:
 - a. The employee accepts the discipline recommended; or
 - b. The time limit for appealing has expired; or
 - c. At the conclusion of the Step II grievance process for sworn members or Step IV for civilian employee grievance process; or
 - d. Pursuant to current labor agreements, if applicable.

In accordance with Fla. Stat. 112.532, regardless of the origin of the allegation or complaint, the investigation of the allegation or complaint must be completed within 180 days after the date the agency receives notice of the allegation or complaint by a person authorized by the agency to initiate an investigation of the misconduct, except as provided in FS 112.532 (6)(a) Limitations Periods For Disciplinary Actions.

If the employee disagrees with the Chief of Police's amendment, the employee shall bypass all other grievance steps and file at Step II within five working days from the receipt of the amendment.

11. APPEALS

The grievance process affords an employee the opportunity to contest the directive or action of the organization in a formal manner. It also provides the employer with an opportunity to clarify the directive or action, if necessary. The

purpose of this section is to identify the mechanism for filing and appealing grievances, the agency position responsible for coordination of grievance processes, and the appropriate storage location for grievance files and labor-related paperwork.

The following delineates the appeals process.

11.1 MANAGER'S RESPONSIBILITIES DURING ALL APPEALS

The manager or person accepting on their behalf, when receiving an appeal, shall sign the grievance form noting the date and time of receipt. The manager or person accepting on the manager's behalf shall then promptly notify the Internal Affairs Professional Standards Specialist. The manager shall retain the INOI after answering the appeal until the employee appeals that decision or the time limit for appealing has expired. If the time limit has expired, the manager shall impose discipline and forward the INOI to the Internal Affairs Section via the chain of command.

11.2 APPEAL BY BARGAINING UNIT EMPLOYEES

The appeal process for bargaining unit employees shall be governed by the CBA, Article 6-Grievance Procedure. While employees waive any appeals regarding the disposition of incidents documented on short-form INOIs, they may still elect to appeal the discipline recommendations.

11.3 APPEAL BY CIVILIAN BARGAINING UNIT EMPLOYEES

The appeal process for civilian bargaining unit employees shall be governed by the applicable labor agreements. (While employees waive any appeals regarding the disposition of incidents documented on short-form INOIs, they may still elect to appeal the discipline recommendations.)

11.4 APPEAL BY CIVILIAN NON-SWORN NON-BARGAINING EMPLOYEES

A non-sworn employee requesting an appeal has five working days from the receipt of the recommended disposition/discipline to submit the request in writing to the next manager in the appeal process. The five-day limit applies to each subsequent step in the appeal process. Failure to request the appeal within the five working days voids the employee's right to appeal.

The appeal process is as follows:

- a. Step I: The employee may appeal to his or her bureau commander or Chief of Staff within (10) ten business days from the employee's receipt of the recommended disposition and/or discipline.
- b. Step II: If the employee is not satisfied with the finding(s) at Step I, the employee may appeal to the Chief of Police within (10) ten business days from the receipt of the decision of Step I.
- c. Grievance Adjustment Board: Non-sworn employees who are not in agreement with the Chief of Police's decision may file a last appeal, within (3) three working days from the receipt of the decision at Step III, to the Grievance Adjustment Board, Labor Relations Bureau, Human Resources Department.

At any of the above steps, the employee may represent himself or herself or may be represented by anyone of his or her choosing, excluding elected officials, appointed officials, members of the City Attorney's staff, or staff members of

the City's Labor Relations Bureau. Within five working days following the date a written notice of appeal is received, the reviewing manager, acting as the hearing officer, shall conduct a meeting attended by the manager or supervisor immediately subordinate to the hearing officer in the employee's chain of command, and the aggrieved employee. The only exceptions to this rule shall be cases in which an appeal is made to the Grievance Adjustment Board.

Section and division commanders must notify the aggrieved employee in writing concerning their decisions within (2) two working days following the date of the grievance meeting. Bureau commanders and the Chief of Police shall notify the aggrieved employee in writing within (5) five working days following the date of the grievance meeting.

The Grievance Adjustment Board shall attempt to meet within ten working days of the date on which the board receives the employee's written appeal. Either the Grievance Adjustment Board or the employee may request a delay of up to ten additional working days, but in no case will the board meet more than 20 days after the receipt of the written appeal. (Exception: Under unusual circumstances or by mutual agreement between the board and the employee, the board may elect to modify this rule.) At the time of this meeting, all known facts will be reviewed, and the employee will be afforded the opportunity to present the facts and witnesses to the board. The majority decision of the board shall be final, and the employee shall be notified in writing of the board's decision within (10) ten working days of the meeting date.

The Grievance Adjustment Board shall consist of the Administrative Services/Management and Budget Director or designee, who shall act as Chair of the Board; the Labor Relations Bureau Chief or designee; and any one non-relative eligible City employee chosen by the employee.

11.5 APPEAL BY SWORN NON-BARGAINING UNIT MEMBERS

The member requesting an appeal has (5) five business days from the receipt of the recommended disposition/discipline to submit the request in writing to the next manager in the appeal process. This time limit applies to each subsequent step in the appeal process. Failure to request the appeal within the specified time limit voids the member's right to appeal.

The appeal process shall be as follows:

- a. Step I: The grievance must be filed in writing either in person, via facsimile or by email within ten (10) business days (Monday through Friday) of the occurrence of the action giving rise to grievance to the employee's bureau commander or Division Commander in the absence of a Bureau Commander, or the Police Department Labor Advisor if a Class Action grievance. The employee shall use the Department grievance forms.
- b. Step II: If the grievance is not resolved to the grievant's satisfaction in Step I, the grievance shall be forwarded in writing, via facsimile, email or hand delivery, to the Chief of Police within ten (10) business days of receipt of the Step I.
- c. Civil Service Appeal: Members who are not in agreement with the Chief's decision may appeal to the Civil Service Board following the procedures outlined in the Civil Service Code. The member has (10) ten calendar days from the receipt of the decision at Step II to make this appeal.

Should the member choose to have a meeting with the Chief of Police, the member shall request the meeting within (5) five days from the receipt of the decision at Step II.

11.6 POLICE DEPARTMENT LABOR ADVISOR

The Chief of Police shall appoint one or more members of police management to serve as the Department Labor Advisor. His or her responsibilities will include but are not limited to:

- a. Handling informal complaints put forth by the Union.
- b. Coordination of the grievance process.
- c. Perusal of Regulations and Policies and Procedures to prevent inconsistencies with Union negotiated issues.
- d. Advise of staff decisions that might conflict with contract stipulations.
- e. Receive all Class Action Grievances at Step I.
- f. Ensure that the procedures listed for responding to grievances as directed by the Union Contract and City policies and procedures are followed.

11.7 MAINTENANCE AND CONTROL OF GRIEVANCE RECORDS

Control of all sworn member grievance records will be the responsibility of the Orlando Police Department's Labor Advisor. Upon resolution of any grievance by a sworn member, the file containing all documents and audio recordings shall be forwarded to the Police Department Labor Advisor for filing. Civilian member grievance records shall be the responsibility of the City of Orlando Human Resources Director.

All grievance records as well as police-related labor issues and correspondence will be stored in a locked labor file cabinet at Police Headquarters. Civilian member grievance records will be stored in the Office of Human Resources in Orlando City Hall.

12. SUSPENSIONS

12.1 AUTHORITY

Any manager has the authority to serve a suspension resulting from an internal investigation; however, suspensions of sworn employees shall be served only by sworn managers, Chief of Staff or the Internal Affairs Manager.

12.2 SUSPENSION PROCEDURES

When a manager suspends an employee, the manager shall give the employee a Notice of Disciplinary Action Form.

12.3 SUSPENSION OF POLICE POWERS (MEMBERS ONLY)

The manager shall relieve the member of his or her police authority during the suspension. The manager shall do the following:

- a. Through written notice, formally notify the affected member of his or her suspension, and verbally inform the member of his or her loss of authority, power, privileges, and access to all OPD computers.

- b. Take custody of the member's badge, Department-issued 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. Order the suspended member, if in uniform, to change into plain clothes as soon as possible.
- d. Contact IT Security to have the affected member's computer password disabled. (See current issue of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty.)

13. SERVICE OF TERMINATION NOTICE

The following delineates the procedures for service of termination notice.

13.1 BUREAU COMMANDER'S RESPONSIBILITIES

The bureau commander or Chief of Police shall sign the Notice of Disciplinary Action. The employee's bureau commander shall:

- a. Schedule a meeting to notify the employee of the termination action and, if a member of a bargaining unit, notify of his or her right to representation at the meeting, if desired.
- b. Serve the Notice of Disciplinary Action, which shall indicate the reason for the dismissal and its effective date.
- c. Ensure that the affected employee relinquishes his or her badge, Department-issued firearm(s), police identification, police radio, gun belt (with accessories), and all OPD-issued keys/electronic cards. The equipment shall be returned to the Quartermaster Unit immediately. (All other Department-issued equipment shall be turned in during the employee's final checkout.)
- d. Ensure that the affected employee's computer password has been disabled.
- e. Return the INOI and accompanying paperwork to Internal Affairs.
- f. Immediately notify the OPD Fiscal Unit, the City's Labor Relations Bureau, the Civil Service Office (for sworn employees), and the Personnel Management Bureau (for non-sworn employees), and deliver a copy of the Notice of Disciplinary Action to each before noon of the next business day.

13.2 ADMINISTRATIVE CONCERNS

The Civil Service Office shall initiate a change-of-status form after receiving the copy of the Notice of Disciplinary Action. A copy of the change-of-status form shall be sent to the Police Department's Budget/Payroll Unit. The Budget/Payroll Unit shall remove the affected employee from the payroll with the effective date being the date of service of termination on the employee. The Budget/Payroll Unit shall withhold the employee's final check until checkout procedures are completed and issued equipment is returned or paid for. A statement of the status of fringe

and retirement benefits shall be provided to the employee upon his or her exit interview with the City Bureau of Personnel Management.

14. ACCIDENTS AND LOSS/DAMAGE TO CITY PROPERTY

The following are the procedures for accidents and lost or damaged City property. Appeals or grievances shall be conducted according to procedures outlined in this directive. (NOTE: When any damage occurs to City vehicles that are being driven, the INOI shall reference RM 500-6, Safe Driving of Police Vehicles.)

14.1 REPORT

An employee involved in an accident with a City vehicle shall immediately notify his or her immediate supervisor, who will notify the first-line manager, if available. If the employee's immediate chain of command is unavailable, any on-duty watch commander shall be notified for appropriate action. Under most circumstances, either the employee's immediate supervisor or a supervisor assigned by the on-duty watch commander will respond to the accident scene. An exception would be if the accident occurred at a considerable distance from Orlando, and beyond the tri-county area, or if the accident scene had already been cleared. The supervisor shall determine whether the accident is chargeable or nonchargeable and if applicable complete the Post Accident Drug & Alcohol Form See current version of 1605 Employee Drug and Alcohol policy.

- a. Chargeable: If the supervisor determines that the accident is clearly chargeable as defined in Section 15.5 and the employee waives the option of a formal investigation by not contesting the finding(s) of the supervisor, the investigation may be documented on the Short Form INOI, unless directed by a manager in the employee's chain of command.
- b. Nonchargeable: If the supervisor determines that the accident is clearly nonchargeable to the employee, no investigative report shall be required. The Florida Traffic Crash Report shall serve as sufficient documentation.

14.2 FORMAL INTERNAL INVESTIGATIVE REPORT

Under all of the following circumstances, a formal internal investigative report shall be made:

- a. Fault is denied by the employee.
- b. The employee requests a formal investigation.
- c. Fault cannot be clearly determined by the initial investigation.
- d. The Traffic Homicide Unit responds to the scene.

14.3 INVESTIGATION RESPONSIBILITY

The supervisor will investigate the incident and attach a copy of the Florida Traffic Crash Report and the City of Orlando Risk Management form to the INOI (short or standard). The appropriate manager will review the supervisor's investigation and make a discipline recommendation. The discipline category shall be set as defined in Section 4.10 for short form and standard internal investigations.

14.4 REPORTING REQUIREMENTS TO LOST/DAMAGED PROPERTY

An employee involved in a loss of or damage to City property, or personal property for which reimbursement or replacement will be sought from the Department, shall notify his or her immediate supervisor as soon as possible after the occurrence, but no later than the end of the current tour of duty. Failure to make timely reports of loss/damage to City property may be cause for formal discipline. Failure to make timely reports of loss/damage to personal property will result in a denial of reimbursement. If the loss/damage occurs within the City of Orlando, a police Incident Report will be completed. A copy of any police report by another agency shall be obtained by the employee's supervisor as soon as possible.

14.5 DETERMINING CHARGEABLE OR NONCHARGEABLE FOR LOSS/DAMAGE TO CITY PROPERTY

The criteria for establishing a chargeable or nonchargeable classification for lost or damaged property is the presence or absence of negligence, or the violation of Department regulations or other written directives on the part of the employee toward the care of the equipment under his or her control. The absence of a violation of State or municipal traffic law does not necessarily preclude a finding of chargeable in cases involving damage to City vehicles.

14.6 INVESTIGATIVE RESPONSIBILITY

The immediate supervisor shall normally be responsible for investigation of the circumstances of any loss/damage and completion of required documentation/reports.

14.6.1 SUPERVISOR'S RECOMMENDATION OF CHARGES

The supervisor shall make a recommendation of chargeable or nonchargeable based upon the criteria for such a recommendation. If the incident is nonchargeable, and the supervisor determines that the item may be covered by the employee's insurance or that the item can be considered the responsibility of a commercial establishment, the supervisor shall note in the report any action by the employee to file a claim with his or her insurance company or the commercial establishment.

14.6.2 REIMBURSEMENT FOR NONCHARGEABLE OCCURRENCE

If the incident is nonchargeable, and the item is covered by the employee's insurance or the item is the responsibility of a commercial establishment, the employee shall file a claim with his or her insurance company or with the commercial establishment. Any reimbursement received from the employee's insurance shall be forwarded to the Fiscal Management Section.

14.7 COST OF REPAIR OR REPLACEMENT

Cost of repair/replacement of City property will be determined by the Quartermaster Unit. Repair/replacement cost of personally owned property will be the responsibility of the requesting employee. Information such as purchase price, place of purchase, receipts, etc., will be provided when available. The maximum reimbursement will be \$100.

- a. REPAIRS: In the case of repairs, a receipt must be provided after repair to document the repair reimbursement to a maximum of \$100.

- b. **REPLACEMENT:** In the case of replacements, if an item cannot be replaced due to a failure to find the same item in the marketplace, or if the employee chooses not to replace the item, the employee shall be reimbursed for the loss to a maximum of \$100 depending on the original cost of the lost or damaged item.

14.8 LOSS/DAMAGE TO CITY PROPERTY VALUED AT LESS THAN \$100 (OR ANY UNIFORM CLOTHING ITEM REGARDLESS OF THE VALUE)

- a. Chargeable
 - 1. No INOI - no discipline, provided the employee acknowledges fault for the loss/damage and pays the repair or replacement cost in full as determined.
 - 2. In cases where fault is questionable and/or the employee does not accept responsibility, a Damaged or Lost Property Form (Attachment L) shall be completed by the supervisor and routed to the reviewer only for final decision.
 - 3. All payments shall be handled by the Fiscal Management Section.
 - 4. The Quartermaster Unit shall forward a receipt for lost or damaged property back to the employee's supervisor.
 - 5. Actual replacement of items shall be completed by the Quartermaster Unit.
 - 6. The Quartermaster Unit will maintain an Employee's Equipment Issue card and record the items lost/damaged and the applicable date(s).
- b. Nonchargeable
 - 1. No INOI.
 - 2. Damaged or Lost Property Form shall be routed to the reviewer only.
 - 3. The reviewer shall contact the Quartermaster Unit to approve repair/replacement.

14.9 LOSS/DAMAGE TO CITY PROPERTY VALUED AT \$100 OR MORE (EXCLUDING UNIFORM CLOTHING)

- a. ALL CASES Chargeable and Non-Chargeable (including damage to a police vehicle)
 - 1. The investigating supervisor shall complete a Risk Management form (36-2).
 - 2. The Reviewer shall contact the Quartermaster Unit for repair/replacement.
 - 3. A Damaged or Lost Property Form is not required.
- b. CHARGEABLE CASES additional responsibility: The assigned supervisor shall complete a Short Form INOI.

14.10 LOSS/DAMAGE TO PERSONALLY OWNED PROPERTY

A Damaged or Lost Property Form shall be routed to the reviewer only for final determination. The reviewer shall be responsible for forwarding the approved form to the Fiscal Management Section for the disbursement of funds.

14.11 APPEALS

Appeals shall begin at Step II and be conducted in accordance with grievance procedures outlined in the contract.

15. RESPONSIBILITIES AND AUTHORITY

The Internal Affairs Section shall consist of one manager, one sergeant, and four investigators under the direct supervision of the Chief of Staff. The Internal Affairs Section shall be responsible for conducting investigations relating to complaints and/or allegations of violations of policy and procedure or other written directives by employees of the Police Department.

Sworn Internal Affairs members and the Internal Affairs Manager assigned to the Internal Affairs Section shall operate under the direct authority of the Chief of Police while conducting an official investigation. Internal Affairs members, regardless of rank, shall be subordinate ONLY to the Chief of Police.

All employees shall cooperate with and assist the Internal Affairs Investigators, recognizing that investigations are conducted under the immediate authority of the Chief of Police.

V. FORMS AND APPENDICES

APPENDIX A-Flow Chart of In-House INOI (Minor Complaints)

APPENDIX B-Flow Chart of Long Form INOIs

ATTACHMENT A-Administrative Investigative Interview Waiver

ATTACHMENT B-Notice of Alleged Intentional Officer Rights Violation (Officer)

ATTACHMENT C-Notice of Alleged Intentional Officer Rights Violations (Investigator)

ATTACHMENT D-Request for Compliance Review Hearing

ATTACHMENT E-Citizen's Complaint Form

ATTACHMENT F-Initial Notice of Inquiry (INOI) Long Form

ATTACHMENT G-INOI Routing Sheet

ATTACHMENT H-Initial Notice of Inquiry (INOI) Short Form

ATTACHMENT I-Relief of Duty Form

ATTACHMENT J-5 Day Response

ATTACHMENT K-Notice of Disciplinary Action

ATTACHMENT L-Damaged or Lost Property Form

VI. REFERENCES

This policy rescinds Policy and Procedure 1604.12

Related Policies: Not Applicable

Related Laws: Florida Statutes [112.532](#), [112.533](#), and [112.534](#)