



*Office of Professional Standards  
Annual Report 2023*



# Chief's Comments

The St. Petersburg Police Department is a full-service law enforcement agency serving the 265,602 citizens of the City of St. Petersburg and the thousands who visit each year.



The police department is authorized to have 602 sworn employees, and 229 full-time, non-sworn employees who contribute to daily operations. The department's full-time work force is supplemented by the dedicated work of 46 citizen volunteers. Police services are provided for an area covering 62 square miles and traversed by 1,047.75 miles of roadway. The department also provides marine police services within 206 linear miles of shoreline.

When misconduct of an employee is alleged, it is investigated by a supervisor or, in the case of serious allegations, by the Office of Professional Standards Division. The 2023 Office of Professional Standards Annual Report illustrates the number and type of concerns raised by the community and department members and compares our efforts with previous years.

The St. Petersburg Police Department received 485,867 telephone calls from the public and responded to 149,313 calls for service. The department issued 27,222 traffic citations and made 20,249 arrests, which includes 1,765 drug arrests. Citizens initiated eight complaints against employees in 2023 that resulted in formal investigations by the Office of Professional Standards or as a Bureau Investigation, three more than in 2022.

During 2023, there were 86 cruiser crashes compared with 81 in 2022. Of those, 31 were found to be preventable. Also, in 2023, employees initiated six pursuits; four of the pursuits were found to be compliant with departmental policies and two were found to not be compliant with departmental policies. The department has a very strict policy governing when a pursuit can occur, and we require our employees to adhere to specific procedures.

The department welcomes community oversight and involvement. The Civilian Police Review Committee (CPRC) reviews investigations after the cases become a public record. During 2023, the CPRC reviewed six Office of Professional Standards Investigations. The CPRC agreed with all the department's findings in the cases. Also, in 2023, the department received 387 letters and calls of appreciation from citizens, thanking department employees for their service and consideration.

Each year, the police profession continues to evolve and change. The department must be prepared to adapt to these changes if we are to be successful in our goals to proactively address crime trends and traffic safety issues, implement new law enforcement technology and techniques, and attract and retain qualified and diverse professionals. The department is an outstanding organization; one that values our employees and community partners while working to improve the quality of life for the citizens it serves.

# Philosophy

The St. Petersburg Police Department provides police services by adhering to the community policing model and working in partnership with the community to solve mutually identified problems. While engaged with, and cognizant of the concerns of the community, the department works to provide efficient, effective and courteous police service that promotes public safety, protects the rights of all citizens and improves the quality of life in St. Petersburg, while upholding the highest standards of the law enforcement profession.

It is the mission of the St. Petersburg Police Department to provide professional police service to the community by adhering to the values of loyalty, integrity and honor.

The St. Petersburg Police Department has been accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. since 1985. It is also accredited by the Commission for Florida Law Enforcement Accreditation. The department is committed to law enforcement excellence and the protection of the safety and rights of the citizens it serves.

## COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES



## I. Introduction

Police officers are expected to diagnose situations they encounter within a few short moments and take the most appropriate course of action. Most encounters with citizens result in positive experiences, in part due to the training, experience, and ethical character of the police officer. In the face of danger, the potential for complications increases; however, most of these encounters are resolved without complaint.

In a limited number of situations, officers clearly use their authority inappropriately. In other situations, citizens may believe police officers have exceeded their authority or have simply not treated them properly. Therefore, it is of critical importance to have a system in place that allows citizens to bring these concerns to the attention of police managers. This system must achieve at least three important objectives.

First, the system must create a sense of confidence on the part of citizens that their complaints will be taken seriously, properly investigated, and corrective measures will be taken when needed. Most police/citizen interactions take place without witnesses who are directly involved in the encounters. Without an effective system for addressing citizen complaints or concerns, the Police Department will not have the type of feedback needed to ensure that quality service is being provided and the department is using its authority appropriately.

Second, the system must create a sense of confidence on the part of the police officers that complaints will be investigated within a reasonable time frame and that they will be treated fairly and consistently. Police officers have a very difficult job; to do it effectively, they must be supported when they operate within the framework of the law and departmental policy. Although most complaints are lodged because of the sincere belief an officer's behavior was not appropriate, occasionally the system will be used as revenge toward the officer or as leverage for criminal charges.

Third, the system must provide information to city officials, the police department, and the community. This information is one important measure of the department's responsiveness to the community and the efforts made to provide guidance and direction to police employees in their encounters with citizens. It is also useful in identifying areas where policy and training changes might be made. The achievement of all these objectives is important to the successful functioning of a system designed to ensure that police employees are carrying out their responsibilities to the community in the most appropriate manner possible.

The St. Petersburg Police Department has established a method to meet these objectives through the Office of Professional Standards (OPS), which reports directly to the chief of police. This office consists of a major, four detective investigators, an operations analyst specialist responsible

for Staff Inspections, and one administrative secretary. Under the direction of the chief of police, the Office of Professional Standards has the responsibility to conduct investigations into complaints of employee misconduct from both inside and outside the department. The Office of Professional Standards also has the responsibility for monitoring investigations of alleged employee misconduct that are conducted by an employee's supervisor.

The Staff Inspections Unit conducts various inspections based on different timetables, as required, of all department functions and applicable policies, procedures, administrative and operational activities, and resources in efforts to ensure accountability and maintain integrity. Through staff inspections, the chief of police is provided objective information regarding the efficiency and effectiveness of department components; recommendations for the modification, revision, or creation of policies, procedures, and practices; as well as an evaluation of available resources to meet agency goals.

The purpose of this Office of Professional Standards Annual Report is twofold. First, this report provides information to the community on the results of investigations of both citizen and department-initiated complaints. It contains information over a five-year period from 2019 through 2023, to provide a basis for comparison. Second, the report is designed to provide greater insight into efforts by the city, police department, and citizen volunteers to meet the objectives described above.

The report achieves its purpose by describing how a citizen can make a complaint and explaining the Office of Professional Standards process. The report examines community oversight of internal investigations and police operations. It addresses commendations and investigations conducted by the Office of Professional Standards and supervisory personnel over the past five years, and it reviews complaints from an organizational and employee perspective.

## **II. The Process**

### **MAKING A COMPLAINT**

Complaints against employees of the St. Petersburg Police Department can be made in several ways. All employees of the police department have the responsibility for receiving a complaint, so the process can be initiated any time a citizen chooses. A complaint may be lodged against the department or any employee, in person, by e-mail, by telephone, by mail, or via the online form that is on the police department's website using the information provided in Appendix C. When complaints are initiated outside the normal business hours of Monday through Friday, 7:00 a.m. to 4:30 p.m., the information will usually be taken by an on-duty supervisor and referred to the watch commander/manager. The watch commander/manager may direct a supervisor to investigate or refer the complaint to the Office of Professional Standards.

It is the policy of the St. Petersburg Police Department that complaints will be handled at the appropriate organizational level and as quickly as possible. If the supervisor who initially received the complaint can investigate it, they will do so upon approval of the watch commander and document the actions taken. This information will be forwarded to the Office of Professional Standards, and the citizen will be notified of the findings of the investigation. Examples of complaints normally handled at the supervisory level include improper procedures and discourtesy. These types of investigations are categorized as Bureau Investigations. If the complaint is of a more serious nature, it is forwarded to the Office of Professional Standards for investigation. The Office of Professional Standards will normally investigate all allegations of a serious nature to include excessive force, the administrative aspects of criminal misconduct, bias-based allegations, and cases of officer-involved shootings. These investigations are categorized as Office of Professional Standards (OPS) Investigations.

## **OFFICE OF PROFESSIONAL STANDARDS (OPS) INVESTIGATIONS**

All Office of Professional Standards Investigations must follow guidelines established by state laws and departmental policy. The Law Enforcement Officers' and Correctional Officers' Rights is a Florida State Statute that dictates how Office of Professional Standards Investigations are conducted. These investigations are considered confidential until the investigation is completed. (See Appendix D for a copy of the Law Enforcement Officers' and Correctional Officers' Rights.) Anonymous complaints are handled at the discretion of the chief of police. When a complaint is investigated by the Office of Professional Standards, the following procedures are followed:

- A. The Office of Professional Standards Investigator contacts the complainant and arranges an appointment for an interview. Generally, the interview is conducted at the Police Department's Office of Professional Standards office. However, at times, interviews can be conducted at a complainant's home, business, or at the Civilian Police Review Committee's office located in the Municipal Services Building, 3<sup>rd</sup> Floor. Interviews are also conducted at the County jail; therefore, incarceration does not preclude a citizen's complaint from being heard.
- B. The complainant is placed under oath and a sworn statement is taken from that person. This statement is audio recorded.
- C. After the recorded statement is transcribed, the complainant is re-contacted and given an opportunity to review the statement for accuracy and to sign it.

- D. The same procedure is used for all witnesses and officers/members involved in the case. All statements are recorded, transcribed, and assembled in a case file to be reviewed by the chief of police.
- E. If the evidence indicates there might have been improper conduct, the chief of police can direct the matter to be reviewed by a Command Review Board. The Board consists of the assistant chiefs and the chief of police
- F. Once the case has been reviewed by the Command Review Board, a decision is made as to whether the officer/member acted properly or not. Each allegation will receive one of five possible findings by the Board:
  - 1) Exonerated – The acts which provided the basis for the complaint or allegation occurred; however, the investigation revealed they were justified, lawful, and proper.
  - 2) Not Sustained – The investigation failed to disclose sufficient evidence to prove the allegations made in the complaint.
  - 3) Sustained – The investigation disclosed sufficient evidence to prove clearly the allegations made in the complaint.
  - 4) Unfounded – The investigation conclusively proved the act or acts complained of did not occur.
  - 5) Not Involved – The investigation disclosed the affected employee was not involved in the alleged misconduct.
- G. If the Board sustains the allegation, the second phase of the process is to decide on the appropriate disciplinary/corrective action. Disciplinary action is guided by the department's philosophy contained in General Order I-04; Discipline Authority.
- H. At the conclusion of the Board's action, the complainant and the accused are notified in writing of the Board's decision on the allegation and the type of discipline that was administered, if any.
- I. The complainant may come to the department to review the case once all criminal charges (if any) have been investigated and resolved and the administrative investigation has been completed.

## **BUREAU INVESTIGATIONS**

Complaints investigated by the officer's/member's supervisor (Bureau Investigations) generally follow similar steps, except the statements generally are not audio recorded and transcribed (unless the accused officer requests a live interview). In most Bureau Investigations, the supervisor interviews the complainant and witnesses and then provides written questions to the accused officer/member who provides a written response. The supervisor determines the finding and then makes recommendations that are reviewed by the various levels of supervision and management in the officer's/member's chain of command, with final review by the chief of police.

## **INFORMATION ONLY**

Another classification of cases is known as Information Only. An Information Only case is the documentation of an incident in which a citizen requests information regarding an employee's behavior and/or actions. An Information Only case may require several hours of exploration in order to determine what occurred. Once it is determined the incident does not involve misconduct by an employee, it is filed for informational purposes after an explanation has been furnished to the inquiring party. Many inquiries involve questions concerning the legality of an officer's/member's actions that need to be dealt with within the judicial system.

The Office of Professional Standards Division also reviews and archives all crashes and pursuits. The Office of Professional Standards also maintains a liaison with the City Legal Department and conducts inquiries into incidents involving St. Petersburg Police Department employees which result in civil litigation.

## **III. Community Oversight**

In addition to the Office of Professional Standards investigative process, there are additional means of oversight of police operations.

A. The first is through the elected mayor and City Council. The chief of police reports to the mayor of the city. Police department policy and issues are regularly reviewed by the mayor and council through the budgetary process, special reports that are prepared on department operations, and routine administrative oversight procedures. Citizens can raise concerns directly with the mayor and members of City Council.

B. A second means of community oversight is through the news media. The St. Petersburg Police Department is in constant contact with reporters from print and electronic news media, providing both official and unofficial sources of information concerning police activities. The



news media routinely reports on crime problems and any administrative issues of importance occurring within the department.

C. A third means of community oversight is the police department's crime prevention program and regular participation in the meetings of the city's neighborhood associations. The department's commitment to community problem-solving policing places employees in regular contact with citizens throughout the community who have an interest in police performance. Also, the State of Florida Public Records Law allows anyone the ability to review completed internal and criminal investigative cases, if there are no criminal charges pending.

D. The **Civilian Police Review Committee** (established in 1991; formerly called The Citizen's Review Committee) provides input and some measure of oversight into police operations.

1. The Civilian Police Review Committee reviews completed Office of Professional Standards Investigations and Bureau Investigations to help ensure they are complete and unbiased. The committee is also charged with the responsibility of monitoring disciplinary action in the cases and reviewing them for consistency and fairness. In addition, the Civilian Police Review Committee serves an important role for citizens who may not feel comfortable making a complaint to a police department supervisor concerning employee misconduct. In those cases, the committee's coordinator can facilitate the interview with the Office of Professional Standards by making the appointment and being present during the interview if the complainant so desires.

2. The Civilian Police Review Committee holds periodic televised public meetings where input is received from citizens. This information is passed along to the mayor who, in turn, passes the information to the chief of police. The Civilian Police Review Committee appears to be operating very effectively. It is an example of how the community can become involved in their police department. Membership on the Civilian Police Review Committee is voluntary and is made up of 11 diverse community members.

## IV. Biased Policing

The Office of Professional Standards annually reviews agency policies and practices to include traffic stop procedures, searches, asset seizure and forfeiture, interviews and interrogations, and citizen concerns as they relate to biased policing as well as any corrective measures taken. Any revisions or modifications needed regarding policy and procedure are submitted for consideration and appropriate action. This information is then documented in the OPS Annual Report.

In 2023, the policies reviewed and revised relating to OPS and/or biased policing were:

- I-04 Discipline Authority
- II-06 Take-Home Vehicle Program
- II-09 Command and Complaint Review Boards
- II-10 Processing Complaints Against Personnel
- II-21 Domestic Violence Involving Department Employees
- II-25 Discrimination and Harassment
- II-38 Biased Policing
- II-42 Use of Force
- II-43 Lethal and Less-Lethal Weapons
- III-01 Field Contacts
- III-36 Interactions with Transgender Individuals
- III-40 Mobile Video Recording Systems (MVRS)
- IV-01 Rules of Conduct
- USB SOP II-08 Violator Enforcement
- USB SOP III-10 Confidential Sources

Upon OPS review of the revised policies, as well as the other identified policies, it was concluded that the policies were compliant with identified best practices.

The Office of Professional Standards received twenty-four (24) bias-based complaints from citizens in 2023. Each incident was investigated, and the individuals were contacted by supervisors of the officers/members involved and/or by detectives from the Office of Professional Standards. Based on the information and the circumstances surrounding these arrests/incidents, all but one complaint of biased policing were unfounded/not sustained and corrective action was not needed. A civilian crossing guard was terminated from employment after investigation determined he placed bigoted graffiti on a traffic control sign. There were twenty-two (22) bias-based complaints investigated in 2022.

<b>Biased Policing Interactions 2023</b>			
<b>Bias Claimed</b>	<b>Circumstance</b>	<b>Summary</b>	<b>Corrective Action Needed</b>
<b>Race</b>	Traffic	A citizen claims an at-fault driver escaped justice due to racial bias.	Unfounded by body camera
<b>Race</b>	Traffic	A citizen claimed that he was racially profiled by an officer during a traffic crash investigation because he was told he should not be riding his bicycle on the sidewalk. He also claimed that he was not the at-fault individual and that the officer indicated that he was at fault in the police report.	No bias found
<b>Race and sexual orientation</b>	Arrest	A citizen claimed that another person was brutally attacked by officers because of her race and sexual orientation.	Unfounded by body camera
<b>Race</b>	Domestic	A citizen claimed that officers involved in the call for service had their minds made up prior to arrival and arrested her just to arrest another black person. She also stated that officers lied in their report along with several other allegations.	Unfounded by body camera
<b>Race and Sex</b>	Domestic	A citizen stated that an officer did not properly investigate a case where she was the victim of a domestic battery and that the officer is protecting the defendant because he is a rich Greek man and not helping her because she is a poor white woman.	Unfounded by body camera
<b>Race</b>	Dog incident	A citizen who was involved in a dog incident claimed that the other citizen should have been cited and that officers mocked her and singled her out because all the other parties involved were "brown" and she was white.	Unfounded by body camera
<b>Wealth and Race</b>	Call for Service-Economic	A citizen claimed that an officer was disinterested in taking her complaint and was dismissive because she was not white and living in an affluent neighborhood.	Unfounded by body camera

<b>Biased Policing Interactions 2023</b>			
<b>Race</b>		A citizen claimed that all officers are racist and only patrol the south side of St Petersburg. She also stated that "you all moved all the black people to the south side and only patrol that area", that black kids have to see cops all day every day, and white kids never have to see cops all day every day, that we raised the rent on the north side to \$2000-3000, so black people have to live on the south side, that officers do not patrol the north side because they are eating donuts and drinking coffee, that "You all are afraid of black people.", we need to see what we are doing because black people get tickets for nothing, black people get arrested for stupid reasons, and white people commit the same crimes, but get away with their crimes. She additionally stated that that police need to stop writing tickets to black people, stop murdering black people, and stop arresting black people. She relayed that she confronted a male officer on a motorcycle that morning and he told her to wear her seatbelt and that she is tired of seeing that officer in the same location four times per month on 9th Street. She wants the officer to patrol somewhere else like 4th Street. She then said if she sees that officer again, she would call back.	No bias found
<b>Race</b>	Prior Arrest	A citizen called regarding an arrest made in 2022 and stated that the department was racist. Original arrest footage did not show any racism and citizen was unable to provide additional incidents where he felt he was discriminated against.	Unfounded by body camera
<b>Sexual Orientation</b>	Baker Act	A citizen stated that the arresting officer was homophobic and treated his partner differently than he would treat a heterosexual relationship.	Unfounded by body camera
<b>Race</b>	Call for Service- PC for Arrest	A citizen stated that her investigation was poor and officers attempted to coerce her daughter out of pressing charges because of race.	Unfounded by body camera
<b>Not stated</b>	Interaction	A citizen stated that the officer used a derogatory term to describe him during an interaction.	Unfounded by body camera

<b>Biased Policing Interactions 2023</b>			
<b>Origin</b>	Traffic	A citizen stated that the crash he was involved in was not handled correctly because of his accent.	Unfounded by body camera
<b>Race</b>	Traffic	A citizen parked in a restricted parking place and stated that officers were racist because her car was towed.	Unfounded by body camera
<b>4th Amendment - unreasonable search and seizure</b>	Traffic	A citizen has contacted with multiple complaints of citations issued by the same officer and states his 4th Amendment rights are being violated and that he is upset we have not assigned the officer to a different location in the city after the officer repeatedly harasses the neighborhoods.	Unfounded by body camera
<b>Race</b>	Traffic	A citizen claimed an officer followed her in traffic too long and it caused her anxiety and that the officer was behind her and issued a traffic citation because she is black.	Unfounded by body camera
<b>Race</b>	Traffic	A citizen initially claimed that he was stopped because of his race and then after another driver of another race was stopped, that he and the other driver were treated discourteously.	No bias found
<b>Origin</b>	Traffic	A citizen claimed they were racially profiled by an officer who was behind him in traffic and followed behind him for a few blocks before turning off because he displays a Colombian flag in his vehicle along with two other instances of officers being in proximity to him in traffic situations.	No bias found
<b>Race</b>	Active Investigation	A citizen complained that officers were blocking a street and should not have and that the police act differently on the south side. Officers were found to be investigating an aggravated assault - man with a gun at that time justifying the road closure.	No bias found
<b>Race</b>	Call for service	A citizen complained that an officer stopped him because he was racially profiled, and his civil rights were violated.	Unfounded by body camera

<b>Biased Policing Interactions 2023</b>			
<b>Religion</b>	Reported by witness	An employee was found sustained for posting graffiti which showed aversion to an individual or group.	Employee was terminated
<b>Disability</b>	Traffic- Road Patrol	A citizen stated that he was unfairly treated because he is disabled when he parked in a disabled parking place without a disabled permit, stated to the officer that he did not have a disabled permit and was upset that he received a citation.	No bias found
<b>Race</b>	Call for Service	A citizen stated that the officer showed favoritism toward the white male and female on the interviews and with a warning at the end of the interaction.	Unfounded by body camera
<b>Age</b>	Call for Service	A citizen stated that the officer did not like "old" or "elderly" people but was satisfied with the follow-up work done on his call for service.	No bias found

## V. Personnel Intervention System

The Office of Professional Standards utilizes a Personnel Early Intervention System to monitor employees who receive multiple complaints, engage in multiple uses of force, and/or are involved in multiple vehicle accidents or pursuits. When employees are identified, they are referred to their chain of command who has the responsibility to review the complaints. The employee's supervisor reports their findings to the Office of Professional Standards via their chain of command. During 2023, there were no employees who required corrective action or additional training after a review resulting from the Personnel Early Intervention System.

During 2023, nine (9) employees met the criteria for referral under the Personnel Early Intervention System. Each of those were a result of having ten or more documented force incidents in a six-month period. The results of the supervisor review were documented and sent back to the Office of Professional Standards via their chain of command. In each of the reviews in 2023, the use of force used by officers/members was approved and properly documented. As would be expected, historically the officers/members being reviewed are generally in very active units like Downtown Deployment and Field Training or are in assignments where force is more likely to be used, as is the case for Department K-9 Officers who are regularly in a position where they are tracking felony suspects and when they find the suspect, are usually by themselves. In many of those cases, the use of force is a CEW (Taser) or firearm being pointed at the suspect until other officers arrive to secure the suspect, and no other force is used.

The Personnel Early Intervention System is managed by the major in the Office of Professional Standards who closely monitors alerts and the subsequent reviews by the respective supervisors. At this time, it appears the system is working as designed.

<b>PERSONNEL INTERVENTIONS 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Total</b>	13	3	6	7	9

## VI. Commendations, Complaints and Investigations

### COMMENDATIONS

The St. Petersburg Police Department welcomes positive comments about the department and its employees. They can be received from citizens or initiated internally by a supervisor or other members of the department.

During 2023, the St. Petersburg Police Department received 387 documented unsolicited letters and telephone calls of appreciation from citizens, thanking department employees for outstanding service and consideration. The department initiated 377 commendations to employees for actions arising from heroism to outstanding investigations.

<b>COMMENDATIONS 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Letters of Appreciation (Citizens)</b>	214	225	231	412	387
<b>Departmental Commendations*</b>	178	171	181	297	377

\*Includes Departmental Award nominations

Beginning in 2022, commendation data reflects the number of employees receiving commendations versus previous years when a commendation for multiple employees would have counted as one commendation.

### COMPLAINTS AND INVESTIGATIONS

#### Administrative Investigations

In 2023, the Office of Professional Standards coordinated and/or investigated 29 Administrative Investigations. These investigations are classified as Bureau Investigations or Office of Professional Standards Investigations. Citizens initiated eight of these cases. Twenty-one cases were initiated internally where the chief of police or another employee was the party alleging misconduct by another member of the department. Misconduct was sustained for 23 allegations. All cases were reviewed by each employee's chain of command (See Table 1).



In 2023 there were four investigations of note investigated by the Office of Professional Standards.

- The first investigation involved four officers discharging their firearms, resulting in injury to a person. The Shooting Review Board determined the firearm discharges to be justified.
- The second investigation involved an officer discharging his/her firearm, and no one was injured. The Shooting Review Board determined the firearm discharge to be justified.
- The third investigation involved an allegation of unnecessary force by an officer. The Command Review Board determined the allegation of Unnecessary Force to be sustained.
- The fourth investigation involved the arrest of an officer for an off-duty incident. That incident is currently under investigation and has not yet been presented to the Command Review Board.

TABLE 1

<b>ADMINISTRATIVE INVESTIGATIONS 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Citizen Initiated Cases</b>	3	4	3	5	8
<b>Department Initiated Cases</b>	36	25	31	27	21
<b>Total Cases</b>	<b>39</b>	<b>29</b>	<b>34</b>	<b>32</b>	<b>29</b>
<b>Total Sustained Allegations*</b>	<b>39</b>	<b>25</b>	<b>25</b>	<b>42</b>	<b>23</b>

\*The total number of allegations is not the total number of cases. One case may have multiple allegations of misconduct. Cases with sustained allegations may have been initiated in prior years.

## Citizen-Initiated Cases

Citizen-initiated complaints are assessed by the Office of Professional Standards and the Chief of Police. The cases are either investigated by the Office of Professional Standards or assigned for investigation by the employee's immediate supervisor at the Bureau level. In 2023, citizens initiated eight complaints, three more than 2022 (See Table 1 above).

TABLE 2

<b>CITIZEN INITIATED CASE ALLEGATIONS 2019-2023</b>						
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Sustained in 2023</b>
<b>Conviction/Guilt of a Misdemeanor or Felony</b>	1	1	0	0	0	0
<b>Conduct Unbecoming an Employee</b>	0	3	2	0	2	1
<b>Discourtesy</b>	1	1	0	2	1	0
<b>Improper Procedures</b>	0	0	2	5	1	0
<b>Inefficiency</b>	1	0	1	2	4	3
<b>Unlawful Speed</b>	-	-	-	-	1	0
<b>Unnecessary Force</b>	1	5	0	1	0	0
<b>Total*</b>	<b>4</b>	<b>10</b>	<b>5</b>	<b>10</b>	<b>9</b>	<b>4</b>

\*The total number of allegations is not the total number of cases. One case may have more than one allegation of misconduct. Sustained allegations may have been initiated in prior years depending on length of investigation and scheduling of Command Review Board.

## Department-Initiated Cases

Department-initiated cases are assessed and investigated in the same manner as citizen-initiated complaints. In 2023, the department initiated 21 complaints, which is six less than in 2022 (See Table 1 above).

**TABLE 3**

<b>DEPARTMENT INITIATED CASE ALLEGATIONS 2019-2023**</b>						
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Sustained in 2023</b>
<b>Absent Without Leave</b>	0	0	0	2	0	0
<b>Abuse of Sick Time/Chronic Absenteeism</b>	1	2	1	2	4	4
<b>Chronic Offender of the Code of Conduct</b>	5	1	0	2	1	1
<b>Conviction or Guilt of a Misdemeanor or Felony</b>	5	3	2	2	2	0
<b>Conduct Unbecoming an Employee</b>	5	3	7	2	3	0
<b>Discharge of Weapon/Person</b>	1	7	3	3	5	0
<b>Discourtesy</b>	1	1	1	1	0	0
<b>Falsification</b>	3	1	4	3	0	0
<b>Improper Procedures</b>	11	9	8	5	5	4
<b>Inefficiency</b>	6	8	9	4	4	4
<b>Insubordination</b>	0	2	1	0	1	1
<b>Negligent Loss/Damage to City Property</b>	0	1	0	2	1	1
<b>Proficiency Failure</b>	-	-	-	-	1	1
<b>Tardiness</b>	1	0	0	1	0	0
<b>Unauthorized Pursuit</b>	-	-	-	-	2	2
<b>Unnecessary Force</b>	3	2	2	0	1	0
<b>Violation of the Code of Conduct</b>	0	1	4	0	0	0
<b>TOTAL*</b>	<b>42</b>	<b>41</b>	<b>42</b>	<b>29</b>	<b>30</b>	<b>18</b>

\*The total number of allegations is not the total number of cases. One case may have more than one allegation of misconduct

\*\*The 2020 Annual Report consolidated and removed duplicate categories which had previously been reported on Table 3

\*\*\* Sustained allegations may have been initiated in prior years depending on length of investigation and scheduling of Command Review Board.

## VII. Use of Force

The St. Petersburg Police Department provides training for all members in the many varied methods of force that could be utilized when affecting an arrest or defending oneself or another. Use of force may range from a simple takedown maneuver to the discharge of a firearm. General Order II-42, *Use of Force*, states, “It is the policy of the St. Petersburg Police Department that the use of force in any situation will follow applicable laws and is limited to the force which is needed to halt aggressive actions and/or to overcome specific resistance by the subject in order to accomplish a lawful objective.” The use of force is divided into two categories: deadly and non-deadly.

Officers are trained and issued weapons for use in the protection of themselves and others from death or injury. These weapons include a Glock handgun, an ASP baton, an ASR chemical spray, a Taser Energy Weapon (TEW), and the non-lethal PepperBall system. The TEW was formerly referred to as the Conducted Electrical Weapon (CEW), and the PepperBall system is a new addition in 2023. Other methods of force include weaponless physical force. Whenever force is used beyond simple handcuffing and/or when injury occurs, including the use of the issued weapons, a *Use of Force Report* is completed and sent through the chain of command up to and including the District major.

In 2023, there were 1,147 use of force incidents which were reviewed by the officer’s chain of command and filed in the Office of Professional Standards. This is an increase from 1,040 use of force incidents in 2022.

Each TEW deployment, just like other types of force, is reviewed by the officer’s chain of command as well as the Office of Professional Standards, and each of the deployments was determined to be within department policy. Use of Force Reports are also completed for pointing the Taser Energy Weapon (TEW) or a firearm at a person. TEW use was up 58% compared to 2022, and the pointing of a TEW was up 120% compared to 2022.

In 2023, there were 247 incidents where an officer pointed a firearm at an individual. There were ten (10) discharges of firearms that included four (4) at a vicious animal, one (1) accidental discharge, and five (5) at a person. Also, in 2023, there were three (3) incidents where an ASP baton was used and 83 incidents where ASR spray was utilized. The ASP baton continues to be seldom used, and it is no longer being issued to new officers. The use of ASR spray increased slightly compared to 2022.

An analysis of the use of force statistics for St. Petersburg Police Department for 2023 was compared to the same statistics for 2022. This review was conducted to evaluate the effectiveness and appropriateness of force being used and to address any training needs for the sworn officers of the St. Petersburg Police Department.

\*Corrected number

<b>TYPE OF FORCE USED COMPARISON 2019-2023</b>									
	<b>2019</b>	<i>var</i>	<b>2020</b>	<i>var</i>	<b>2021</b>	<i>var</i>	<b>2022</b>	<i>var</i>	<b>2023</b>
<b>ASP Baton</b>	2	0%	2	100%	4	-50%	2	50%	3
<b>ASR Spray</b>	81	-14%	70	-21%	55	36%	75	11%	83
<b>Firearm Pointed</b>	112	13%	126	68%	212	10%	234	6%	247
<b>Firearm Discharge</b>	4	150%	10	-40%	6	17%	7	43%	10
<b>PepperBall Discharge</b>									1
<b>PepperBall Pointed</b>									2
<b>Hobble Restraint</b>	14	107%	29	28%	37	-59%	15	167%	40
<b>K-9 Bite</b>	39	-23%	30	13%	34	-12%	30	17%	35
<b>Kick</b>	1	-100%	0	%	0	%	0	%	1
<b>Knee Strike</b>	7	0%	7	-57%	3	33%	4	-50%	2
<b>Pressure Point</b>	19	-68%	6	0%	6	17%	7	-14%	6
<b>Punch</b>	8	0%	8	-38%	5	-40%	3	-33%	2
<b>Take Down</b>	160	-11%	142	19%	169	-9%	153	-7%	143
<b>TEW Pointed</b>	51	-4%	49	49%	73	-33%	49	120%	108
<b>TEW Discharge</b>	101	-8%	93	2%	95	-22%	74	58%	117
<b>Use of Force Totals</b>	843	-14%	729	39%	1014	3%	1040	10%	1147
<b>Firearm Discharge</b>									
	<b>2019</b>	<i>var</i>	<b>2020</b>	<i>var</i>	<b>2021</b>	<i>var</i>	<b>2022</b>	<i>var</i>	<b>2023</b>
<b>Accidental</b>	1	-100%	0	%	2	-50%	1	0%	1
<b>Intentional/Animal</b>	2	50%	3	-67%	1	200%	3	33%	4
<b>Intentional/Person</b>	1	600%	7	-57%	3	0%	3	67%	5
<b>Discharge Total</b>	4	150%	10	-40%	6	17%	7	43%	10

Note: Use of Force Incidents may include more than one type of force used

## KEY POINTS

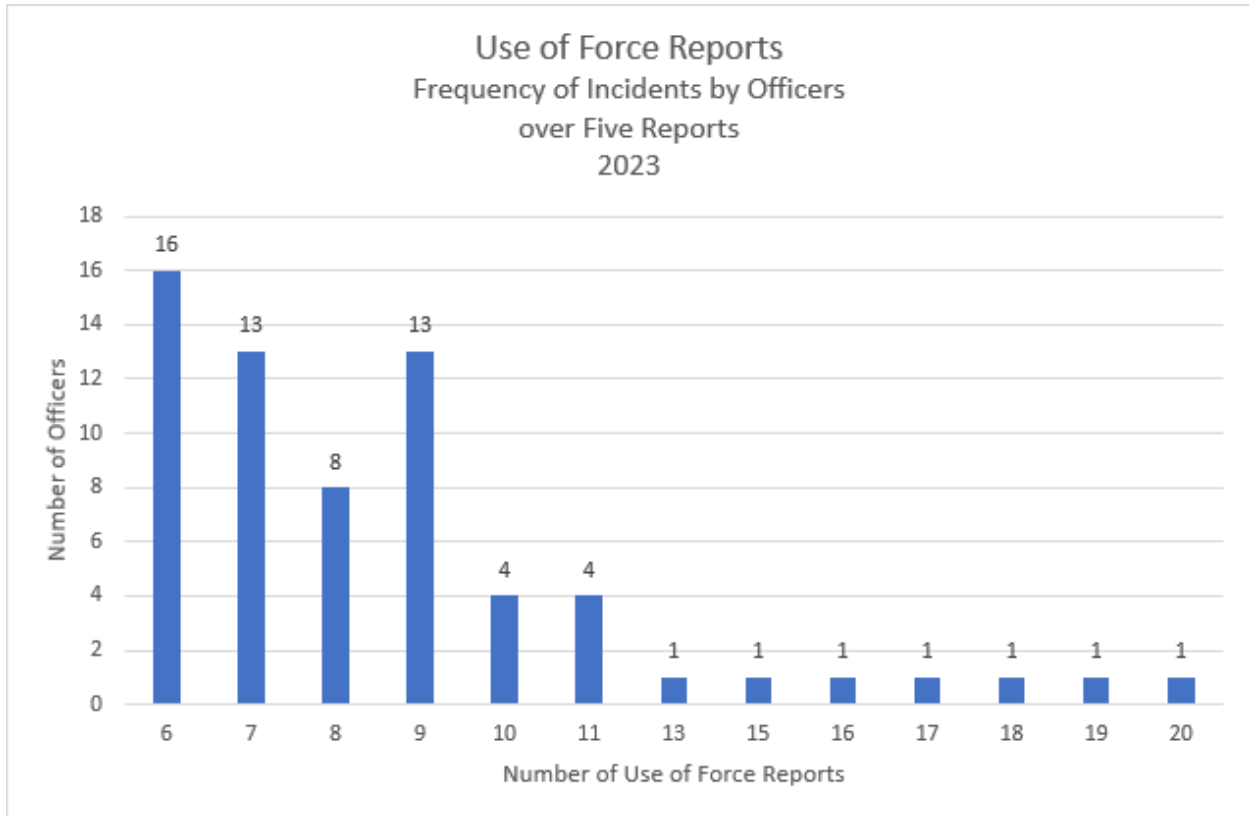
Overall use of force totals increased 10%. Officers are trained annually in use of force and training emphasizes that using force is the last option; still recognizing that response to an active aggressor must be immediate and effective for the safety of the officers and others who may be involved. The department continues to reinforce the concept that punches are only to be used as a defensive measure if an officer is under attack, or on rare occasion, utilized as strikes to forearms or shoulders in accordance with training to encourage a suspect to release their grip on an object. As can be seen in the chart above, the use of punches as a use of force continues to decline, from three (3) in 2022 to two (2) in 2023.

The department also continues to implement and encourage the “Park Walk and Talk” concept throughout the city to build better relationships with the citizens we serve.

There was one Department-initiated complaint of unnecessary or improper use of force investigated by the Office of Professional Standards in 2023 (equal to one investigation in 2022)

involving one officer. The officer was sustained for the allegation of unnecessary use of force. Review of use of force statistics in 2023 indicates officers are using the appropriate level of force, as they have been trained, and are properly documenting said use of force.

The following graph illustrates the number of times officers completed Use of Force Reports more than five times during 2023. Sixty-five officers completed a Use of Force Report more than five times during 2023, compared to 48 officers in 2022. Eleven officers completed a Use of Force Report more than ten times (compared to eleven officers in 2022).



## USE OF FIREARMS

The St. Petersburg Police Department provides firearms training on a semiannual basis and the officers are provided with the resources to practice every month. The use of firearms is authorized when all other means of defense have failed and there is a reasonable belief that action is necessary to defend human life or to prevent great bodily harm. All discharges of firearms, either intentional, accidental, or at a dangerous animal will be investigated/reviewed by the Office of Professional Standards. They are broken down as follows:

<b>FIREARM DISCHARGE INCIDENTS 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Accidental</b>	1	0	2	1	1
<b>Intentional/Vicious Animal</b>	2	3	1	3	4
<b>Intentional/Person</b>	1	2*	3	3	5
<b>Total Discharge Cases</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>10</b>

\*Involves more than one officer firing their weapon during an incident

### **Intentional/Vicious Animals (3 incidents/4 officers)**

1. On January 3<sup>rd</sup>, 2023, officers responded to a vicious dog call for service. Upon arrival the officers observed injured civilians running away from multiple dogs. The dogs then charged at the officers, and two officers shot a total of two dogs. The shootings were determined to be justified.
2. On March 8<sup>th</sup>, 2023, an officer responded to an animal complaint. During the investigation a dog charged at both a civilian and the officer, at which time the officer shot the dog. The shooting was determined to be justified.
3. On April 12<sup>th</sup>, 2023, officers responded to an animal complaint. Upon arrival an injured citizen was on top of a vehicle to get away from a dog. Officers were notified that a second injured citizen was inside of a nearby residence. During efforts to get the citizen from on top of the vehicle, the dog lunged at the citizen and an officer, at which time the dog was shot. The shooting was determined to be justified.

### **Intentional/Person (2 incidents/5 officers)**

1. On March 29<sup>th</sup>, 2023, officers responded to a man with a gun call for service. The subject fired at officers and a SWAT vehicle, and four officers fired their weapons, striking the subject. The shooting was determined to be justified.

2. On August 30<sup>th</sup>, 2023, detectives located a suspect in multiple armed robberies riding as passenger in a vehicle. While following the vehicle in an alley, the suspect extended his torso out of the vehicle window and fired at two detectives in their assigned vehicle. A detective returned fire, and no one was injured. The suspect was later taken into custody. The shooting was determined to be justified.

### **Accidental Discharge of a Firearm (1 incident)**

1. On December 12<sup>th</sup>, 2023, a detective accidentally discharged their firearm while disassembling their assigned firearm after firearms training at the Training Center. Believing their firearm had been cleared, they pulled the trigger, discharging their firearm into a table.

## **USE OF FORCE TRAINING**

In 2023 the Training Division provided the following training on use of force topics:

- Active Assailant – The Division provided 1,668 hours of active assailant training. The training consisted of force-on-force scenarios in which the participants responded to “active shooter” type scenarios. The training focused on solo officer response to active assailant incidents. Participants were forced to seek out the aggressor in the scenario and then apply the appropriate response to end the scenario. Each of the scenarios involved the responding officer issuing appropriate verbal commands, potential use of force, and a debriefing of the decisions made with the instructors.
- Rifle Training – The Division provided 480 hours of training for new rifle carriers and 788 hours of annual training to officers who are currently authorized to carry.
- Weapons Qualifications and Firearms Training – The Division conducted 2,240 hours of weapons qualifications with all sworn members of the agency. This qualification session included all lethal weapons, handgun, shotgun, off-duty guns, and less lethal weapons, ASP, ASR, CEW. Each officer demonstrated proficiency with each weapon. Additionally, the Firearms Range Rules and a review of Department Use of Force Policy was conducted.
- Ti Force Simulator – The Division provided direct training to chosen individual officers on the Ti Force Simulator. The simulator allows officers to be faced with a wide variety of life-like scenarios employing realistic simulated weapons. The instructor can influence the outcome of the scenario based on verbal commands or other behavior demonstrated by the officer. After each scenario, a high-liability instructor debriefs the participating officer. The officer is expected to be able to articulate justification for any use of force.
- The Florida Department of Law Enforcement (FDLE) launched a new Firearms Qualifications course effective July 1, 2024. This new course has the added requirement to shoot on the move and one-handed. During the 2022 Weapons Qualifications, the High Liability Unit added these tactics to the Annual Firearms Training. The instructors observed the need to have officers practice the new maneuvers and marksmanship to aid in the successful passing of the new FDLE



Firearms Qualification course. The High Liability Unit created a training plan to break down the new FDLE Qualifications course into three (3) one-hour live-fire training blocks.

- The first block allowed officers to learn the mechanics of loading in the workspace, cover and scanning, hip shooting, and one-handed shooting.
- The second block focused on the new measurables needed to pass the new Qualifications course. This also allowed officers to shoot the qualification course for familiarization.
- The third and final training block combined blocks one and two of the new Firearms Qualification course.

## **ANNUAL ANALYSIS OF USE OF FORCE ACTIVITIES, POLICIES AND PRACTICES**

An analysis of the use of force activities, policies and practices including pursuit policies, pursuit reports, and reporting procedures did result in changes of policy or procedure distributed to personnel during calendar year 2023, as follows:

II-42 Use of Force – PepperBall system added as a less-lethal option

II-43 Lethal and Less-lethal Weapons – PepperBall system added as a less-lethal option

An analysis of the Use of Force statistics for St. Petersburg Police Department (SPPD) for the calendar year 2023 was compared to the same statistics for the calendar year 2022. This review was conducted to evaluate the effectiveness and appropriateness of force being used and to address any training needs for the sworn officers of the St. Petersburg Police Department. At this time, there are no specific training needs identified that have not been addressed.

## **VIII. Pursuits and Department Vehicle Crashes**

### **PURSUIT**

The St. Petersburg Police Department is aware of the dangers of police vehicle pursuits. The department is constantly evaluating departmental procedures and every pursuit is investigated by the involved officer's chain of command to ensure compliance with policy. Officers must take into consideration numerous factors before beginning a pursuit, i.e., pedestrian traffic, time of day, traffic conditions, weather conditions, and if the identity of the subject being pursued is known. Authorization must be received from a supervisor to continue the pursuit after an officer initiates it.

In 2023, there were a total of six pursuits, two of which were not compliant with department policy and the officers received discipline. The other four vehicles were pursued after committing crimes including a shooting, car jackings, and aggravated assault on a law enforcement officer and were justified.

<b>PURSUIITS 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>In Compliance</b>	2	4	3	2	4
<b>Not in Compliance</b>	0	0	0	1	2
<b>Total Pursuits</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>6</b>

A review of General Order III-17, Pursuit of a Vehicle or Boat, found that the policy was current and did not require any revisions.

### **DEPARTMENT VEHICLE CRASHES**

In 2023, St. Petersburg Police Department police vehicles were involved in 86 crashes. During this period, 31 of the crashes were found to be preventable. Seven of those preventable crashes resulted in formal discipline. The remaining preventable crashes resulted in counseling. Total cruiser damage was estimated at \$280,306. Other resulting vehicle and property damage was estimated at \$223,229. A review of the crashes in 2023 indicated a 6% increase in crashes compared to 2022 and a decrease in preventable crashes from 34 to 31. The required review of the distracted driving video will continue.

<b>CRASHES 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Preventable Crashes</b>	46	45	33	34	31
<b>Non-Preventable Crashes</b>	68	57	38	38	50
<b>Preventable/Excusable</b>	1	2	0	1	0
<b>Total Crashes</b>	115	103	73	81	86
<b>Formal Discipline (Preventable Crashes)</b>	18	16	13	14	7

## IX. Disciplinary Action

The discipline philosophy of the St. Petersburg Police Department is not necessarily punitive in nature. The intent of the philosophy is to modify an employee's behavior(s) when found in conflict with the policy of the department and the City. This is frequently accomplished by identifying unacceptable behavior and providing the employee with additional training. The police department has also instituted having employees create a lesson plan to instruct other officers on certain training issues, such as officer safety and shooting issues. At times, training is not enough, and improper conduct recurs. In these instances, it may be necessary for the department to take some type of formal action to discourage improper behavior on the part of the employee. The department operates on a "progressive discipline" process in which discipline increases for similar violations in a specific time period. This action may range from verbal counseling, written reprimand, suspension from duty without pay, demotion, and/or termination of employment.

In 2023, one employee was terminated from the St. Petersburg Police Department (See Disciplinary Action table below for explanation). The termination involved Conduct Unbecoming of an Employee (Bigotry/Bias).

Review of the disciplinary action taken in 2023 reveals a decrease of 40 actions taken when compared with 2022. Suspensions, Employee Notices, and Memorandums of Counseling decreased compared to 2022, whereas Verbal Counseling increased in 2023 compared with 2022.

<b>DISCIPLINARY ACTION 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Termination</b>	1	3	2	1	1
<b>Resignation</b>	2	0	3	3	0
<b>Suspension</b>	21	8	8	7	4
<b>Employee Notice</b>	25	23	24	37	19
<b>Memorandum of Counseling</b>	63	42	55	83	65
<b>Verbal Counseling</b>	89	53	62	71	73
<b>Total</b>	201	129	154	202	162

## X. Organizational Complaint Profile

The St. Petersburg Police Department has 891 active employees who are assigned in the following manner:

<b>Organizational Profile</b>			
	<b>Sworn</b>	<b>Non-Sworn</b>	<b>Total</b>
Office of the Chief of Police	6	16	22
Administrative Services Bureau	18	162	180
Investigative Services Bureau	149	52	201
Uniform Services Bureau	391	97	488
<b>Total</b>	<b>564</b>	<b>327</b>	<b>891</b>

<b>INVESTIGATIONS BY BUREAU 2019-2023</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Office of the Chief</b>	0	0	0	0	0
<b>Uniform Services Bureau</b>	29	26	25	28	23
<b>Investigative Services Bureau</b>	6	9	5	3	4
<b>Administrative Services Bureau</b>	7	4	5	4	4
<b>Other City Departments</b>	0	0	0	0	0
<b>Total</b>	<b>42</b>	<b>39</b>	<b>35</b>	<b>35</b>	<b>31</b>

\* Total number of personnel does not necessarily reflect the total number of cases.

The department analyzes all investigations as they relate to the organizational elements. Once a pattern has been identified, the department's administration can take corrective action to alleviate the problem.

The department's Uniform Services Bureau consistently receives a large majority of the total complaints. One would expect this to be the case for two reasons; first, 55% of all employees, 391 Sworn and 97 Non-Sworn, are assigned to this Bureau; secondly, uniform personnel are in a position of greater exposure to the public; therefore, making them statistically more prone to receiving internal and external complaints. They have the most direct contact with community members under the most stressful circumstances. In addition to being responsible for traffic

enforcement, they are the first representatives of the department to respond to calls. Most encounters that patrol officers have with a citizen are under circumstances where the person is under the stress of being a crime victim, a traffic violator, or an arrested subject; or the person is involved in a dispute with another party and each party expects the officer to side with them in resolving the dispute.

## **XI. Conclusion**

The data in this report has been presented to more fully inform the citizens of St. Petersburg of a key aspect of a strong police/community relationship. The department believes an informed community will be more understanding of the difficult and critical role a police officer must fulfill. The overall goal of the St. Petersburg Police Department is to provide efficient and effective police service to our citizens. With the cooperation and confidence of the community, we will meet that goal.

# Appendix

<b>Demographics of Sworn Personnel .....</b>	<b>A</b>
<b>Total Number of Sworn Employees by Race and Sex.....</b>	<b>B</b>
<b>Complaint or Commendation .....</b>	<b>C</b>
<b>Law Enforcement Officers' and Correctional Officers' Rights.....</b>	<b>D</b>

**\*\*Note\*\* Prior to the 2020 Annual Report, specific General Orders were included in the Appendix, however all General Orders are now available to the public on the City of St. Petersburg Police Department website (<https://police.stpete.org/general-orders/>). The General Orders available on the website will be the most up-to-date versions.**

# Appendix A

## Demographics of Sworn Personnel

# Demographics of Sworn and Non-Sworn Personnel

as of December 31, 2023

Table 2

<b>Race &amp; Sex</b>	<b>Sworn</b>	<b>Non-Sworn</b>	<b>Total</b>
White Male	336	90	426
Black Male	50	24	74
White Female	75	133	208
Black Female	19	47	66
Hispanic Male	53	6	59
Hispanic Female	11	17	28
Asian Male	10	3	13
Asian Female	3	6	9
Indian Male	0	0	0
Indian Female	1	0	1
Two or more race Male	4	1	5
Two or more race Female	2	0	2
<b>Total*</b>	<b>564</b>	<b>329</b>	<b>891</b>

\* Includes part time employees

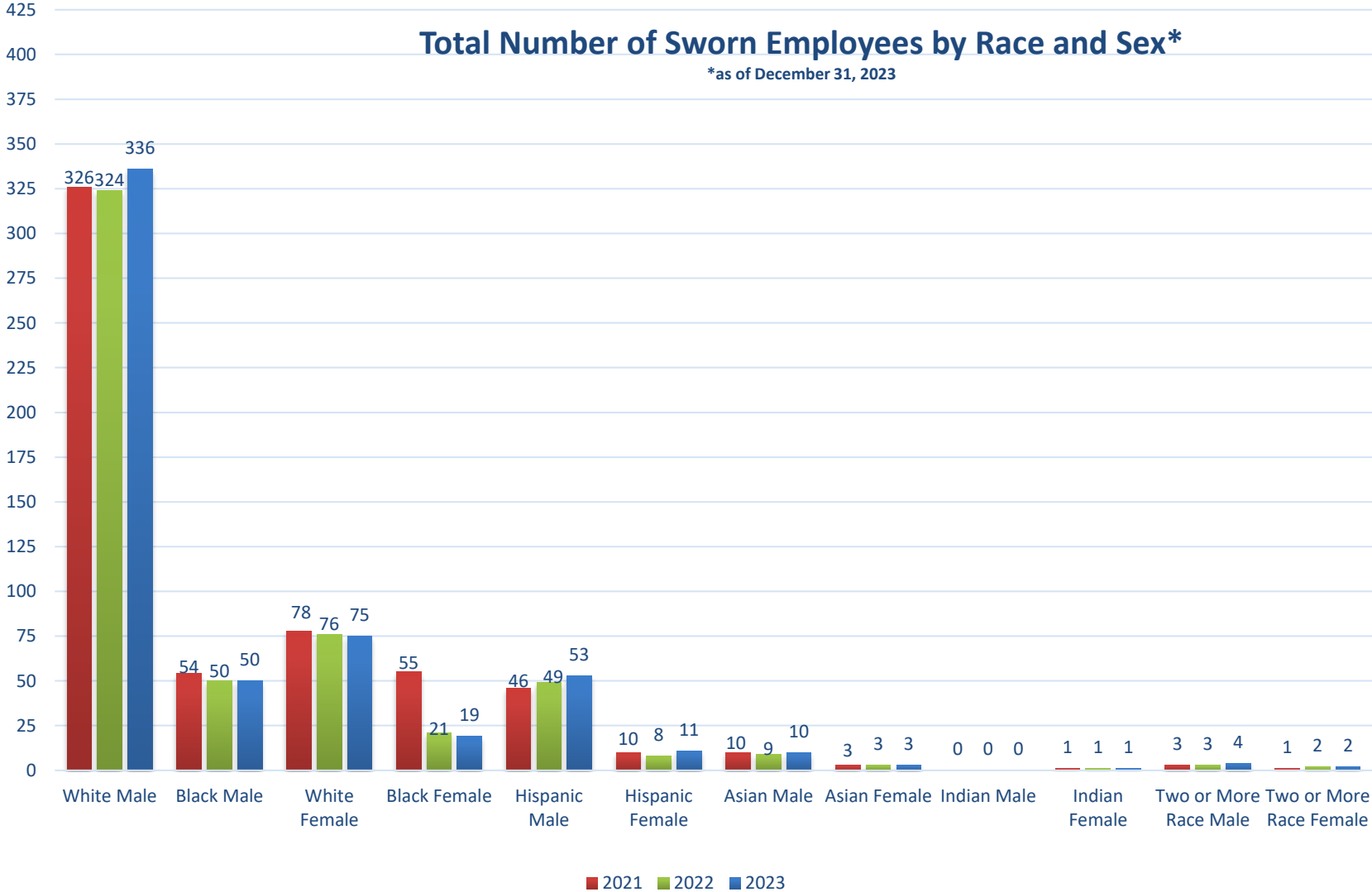


## Appendix B

### Total Number of Sworn Employees by Race and Sex

# Total Number of Sworn Employees by Race and Sex\*

\*as of December 31, 2023



# Appendix C

## Complaint or Commendation



## Commendation

It is the policy of the St. Petersburg Police Department to recognize employees for exemplary performance of their duties through the formal use of commendations. There are three categories: written acknowledgment (letters of recognition), departmental awards, and community-sponsored awards.

The police department sponsors a Medal of Valor for officers who distinguish themselves by an act of conspicuous bravery while consciously facing imminent, life-threatening peril. The Meritorious Service Award is presented to employees who demonstrate exemplary service of great importance to law enforcement.

Hundreds of letters of recognition and phone calls are received each year, by citizens expressing their gratitude for a job well done. You may compliment an employee by letter, phone call, email (OPS@stpete.org), mail or via the online form that is on the police department's website. A written compliment is preferred since it can be posted prominently within police headquarters and placed in the employee's personnel file.



For further information please contact:

**St. Petersburg Police Department  
Office of Professional Standards  
1301 First Avenue North  
St. Petersburg, FL 33705  
727-893-7596  
Email: OPS@stpete.org**

It is the policy of the St. Petersburg Police Department to provide an environment for its employees and the citizens it serves that is free from discrimination and harassment.

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SPPDVideo

[police.stpete.org](http://police.stpete.org)

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# COMPLAINT OR COMMENDATION

Building Trust Between the Police  
and the Citizens We Serve



## Office of Professional Standards

St. Petersburg Police Department  
1301 1st Avenue North  
St. Petersburg, FL 33705

[police.stpete.org](http://police.stpete.org)



## Committed to You

**T**he St. Petersburg Police Department is dedicated to creating a safer environment and providing responsive police service through an aggressive, problem-solving partnership with the community. We will adapt to the changing future while maintaining our traditional values of integrity and professionalism. To achieve our commitment, we will provide, equally to all people, sensitive, fair, and courteous service which respects each individual's dignity.

Citizen involvement is vital to managing any public agency. Community members' feelings about police service are evaluated through commendations, suggestions, and complaints.

This brochure outlines the basic information necessary for you to let the department know your opinion about the quality of St. Petersburg police service.

## Complaint

The purpose of reviewing complaints is to ensure the continued confidence of the community by upholding the integrity of the police department. The complaint procedure provides citizens with a way to make legitimate complaints regarding police employees. It also protects employees who perform their job in a reasonable, lawful, and impartial manner from false or unwarranted accusations.

Every complaint, if it appears there could be a violation of department policy or procedure, will be vigorously and impartially investigated. It is departmental policy that complaints be handled at the lowest appropriate organizational level and as quickly as possible. Minor breaches of regulations are assigned to the accused employee's supervisor. He/She will contact you by phone or in person.

Upon completion, these complaints are reviewed by the Office of Professional Standards. Many times, complaints can be resolved at this level. However, traffic citations, certain legal issues, or arrests that have not been adjudicated, must await the decision of a judge.

More serious violations are assigned to the Office of Professional Standards. Fact finding investigations of alleged improper or illegal conduct by employees are conducted by detectives. A report is prepared with the sworn, recorded statements of the complainant, witnesses, and accused employees.

Additional evidence or documents are included in the report which is evaluated by an Office of Professional Standards supervisor for thoroughness and objectivity. When completed, the report is presented to the Chief of Police who reviews it and decides whether to convene a command review board.

All cases remain confidential until a final disposition. If the allegation is sustained, the second phase of the process is to decide on corrective action which ranges from remedial training, reprimand, transfer, suspension, demotion, or termination. The employee and the complainant are notified of the case finding.

## How to File a Complaint

You may file a complaint in person, by phone, email ([OPS@stpete.org](mailto:OPS@stpete.org)), mail or via the online form that is on the police department's website. It is preferred that individuals identify themselves. Anonymous complaints do not carry the same weight since employees have the same rights as other citizens to confront their accusers. However, anonymous complaints are accepted at the discretion of the Chief of Police.



## Appendix D

# Law Enforcement Officers' and Correctional Officers' Rights

**OFFICE OF PROFESSIONAL STANDARDS**  
**LAW ENFORCEMENT AND CORRECTIONAL OFFICERS' RIGHTS**  
(UPDATED October 2023)

[112.531](#) Definitions.

[112.532](#) Law Enforcement Officers' and correctional officers' rights.

[112.533](#) Receipt and processing of complaints.

[112.534](#) Failure to comply; official misconduct.

[112.535](#) Construction.

[112.536](#) Requirements for maintaining a Brady identification system.

**112.531 Definitions.**—As used in this part, the term:

(1) “Brady identification system” means a list or identification, in whatever form, of the name or names of law enforcement officers or correctional officers about whom a prosecuting agency is in possession of impeachment evidence as defined by court decision, statute, or rule.

(2) “Correctional officer” means any person, other than a warden, who is appointed or employed full time or part time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in s. [943.10\(3\)](#). However, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

(3) “Law enforcement officer” means any person, other than a chief of police, who is employed full time or part time by any municipality or the state or any political subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff under s. [30.07](#).

(4) “Prosecuting agency” means the Attorney General or an assistant attorney general, the statewide prosecutor or an assistant statewide prosecutor, a state attorney or an assistant state attorney, a city or county attorney, a special prosecutor, or any other person or entity charged with the prosecution of a criminal case.

**History.**—s. 1, ch. 74-274; s. 1, ch. 75-41; s. 34, ch. 77-104; s. 1, ch. 82-156; s. 1, ch. 89-223; s. 1, ch. 93-19; s. 3, ch. 2000-161; s. 2, ch. 2020-104; s. 1, ch. 2023-230.

**112.532 Law enforcement officers' and correctional officers' rights.**—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) **RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.**—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her 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.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) COMPLAINT REVIEW BOARDS.—A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.—Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed. This section does not establish a separate civil action against the officer's employing law enforcement agency for the investigation and processing of a complaint filed under this part.

(4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—

(a) A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.

(b) Notwithstanding s. 112.533(2), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(5) RETALIATION FOR EXERCISING RIGHTS.—No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

(6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

(a) Except as provided in this subsection, disciplinary action, suspension, demotion, or dismissal may not be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation or complaint of misconduct, regardless of the origin of the allegation or complaint, if the investigation of the allegation or complaint is not 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. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after the date the agency received notice of the alleged misconduct, regardless of the origin of the allegation or complaint, except as follows:

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

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

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

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

5. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.

6. The running of the 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.

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the predisciplinary response of the officer.

Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

(7) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS RELATING TO A BRADY IDENTIFICATION SYSTEM.—

(a) A law enforcement officer or correctional officer has all of the rights specified in s. 112.536 relating to the inclusion of the name and information of the officer in a Brady identification system.

(b) A law enforcement officer or correctional officer may not be discharged, suspended, demoted, or otherwise disciplined, or threatened with discharge, suspension, demotion, or other discipline, by his or her employing agency solely as a result of a prosecuting agency determining that the officer's name and information should be included in a Brady identification system. This paragraph does not prohibit an officer's employing agency from discharging, suspending, demoting, or taking other disciplinary action against a law enforcement officer or correctional officer based on the underlying actions of the officer which resulted in his or her name being included in a Brady identification system. If a collective bargaining agreement applies, the actions taken by the officer's employing agency must conform to the rules and procedures adopted by the collective bargaining agreement.

**History.**—s. 2, ch. 74-274; s. 2, ch. 82-156; s. 2, ch. 93-19; s. 721, ch. 95-147; s. 1, ch. 98-249; s. 1, ch. 2000-184; s. 1, ch. 2003-149; s. 3, ch. 2005-100; s. 1, ch. 2007-110; s. 1, ch. 2009-200; s. 3, ch. 2020-104; s. 2, ch. 2023-230.

**112.533 Receipt and processing of complaints.—**

(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. [92.525](#) that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.
2. Include the following statement, sworn and subscribed to pursuant to s. [92.525](#):

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

The requirements of subparagraphs 1. and 2. shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)1. Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer must within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

Notwithstanding the rights and privileges provided under this part or any provisions provided in a collective bargaining agreement, the agency head or the agency head's designee may request a sworn or certified investigator from a separate law enforcement or correctional agency to conduct the investigation when a conflict is identified with having an investigator conduct the investigation of an officer of the same employing agency; the employing agency does not have an investigator trained to conduct such investigations; or the agency's investigator is the subject of, or a witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers or correctional officers. The employing agency must document the identified conflict. Upon completion of the investigation, the investigator shall present the findings without any disciplinary recommendation to the employing agency.

(2)(a) A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. [119.07\(1\)](#) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. [92.525](#). Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

**History.**—s. 3, ch. 74-274; s. 3, ch. 82-156; s. 1, ch. 82-405; s. 1, ch. 83-136; s. 1, ch. 87-59; s. 2, ch. 89-223; s. 1, ch. 90-32; s. 31, ch. 90-360; s. 3, ch. 93-19; s. 722, ch. 95-147; s. 39, ch. 96-406; s. 2, ch. 98-249; s. 2, ch. 2000-184; s. 2, ch. 2003-149; s. 33, ch. 2004-335; s. 42, ch. 2005-251; s. 2, ch. 2007-110; s. 1, ch. 2007-118; s. 2, ch. 2009-200; s. 4, ch. 2020-104.

**112.534 Failure to comply; official misconduct.—**

(1) If any law enforcement agency or correctional 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" or "correctional officer" includes the officer's representative or legal counsel, except in application of paragraph (d).

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

(b) If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer or correctional officer, the officer shall request the agency head or his or her designee be informed of the alleged intentional violation. Once this request is made, the interview of the officer shall cease, and the officer's refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.

(c) Thereafter, within 3 working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which 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 presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

(d) 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.

(e) It is the responsibility of the compliance review panel to determine whether or not 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.

(f) 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.

(g) If the alleged violation is sustained as intentional by the compliance review panel, the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head 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 Standards and Training Commission for review as an act of official misconduct or misuse of position.

(2)(a) All the provisions of s. [838.022](#) shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

**History.**—s. 4, ch. 74-274; s. 35, ch. 77-104; s. 1, ch. 78-291; s. 4, ch. 82-156; s. 4, ch. 93-19; s. 3, ch. 2000-184; s. 8, ch. 2003-158; s. 3, ch. 2009-200; s. 5, ch. 2011-4; s. 6, ch. 2016-151.

**112.535 Construction.**—The provisions of chapter 93-19, Laws of Florida, shall not be construed to restrict or otherwise limit the discretion of the sheriff to take any disciplinary action, without limitation, against a deputy sheriff, including the demotion, reprimand, suspension, or dismissal thereof, nor to limit the right of the sheriff to appoint deputy sheriffs or to withdraw their appointment as provided in chapter 30. Neither shall the provisions of chapter 93-19, Laws of Florida, be construed to grant collective bargaining rights to deputy sheriffs or to provide them with a property interest or continued expectancy in their appointment as a deputy sheriff.

**History.**—s. 6, ch. 93-19.

**112.536 Requirements for maintaining a Brady identification system.—**

(1)(a) A prosecuting agency is not required to maintain a Brady identification system and may determine, in its discretion, that its obligations under the decision in *Brady v. Maryland*, 373 U.S. 83 (1963), are better fulfilled through any such procedure the prosecuting agency otherwise chooses to utilize.

(b) The employing agency of a law enforcement officer or correctional officer shall forward all sustained and finalized internal affairs complaints relevant to s. 90.608, s. 90.609, or s. 90.610 to the prosecuting agency in the circuit in which the employing agency is located to assist the prosecuting agency in complying with its obligations under the *Brady* decision. The employing agency of a law enforcement officer or correctional officer must notify the law enforcement officer or correctional officer of any sustained and finalized internal affairs complaints that are sent to a prosecuting agency as required under this section. If the law enforcement officer or correctional officer is no longer employed by the employing agency, the employing agency must mail through United States mail such notification to the officer's last known address on file with the employing agency.

(2) A prosecuting agency that maintains a Brady identification system must adopt written policies that, at a minimum, require all of the following:

(a) The right of a law enforcement officer or correctional officer to receive written notice by United States mail or e-mail, which must be sent to the officer's current or last known employing agency before or contemporaneously with the prosecuting agency including the name and information of the officer in the Brady identification system, unless a pending criminal case requires immediate disclosure or providing such notice to the officer would jeopardize a pending investigation.

(b) The right of a law enforcement officer or correctional officer to request reconsideration of the prosecuting agency's decision to include the name and information of the officer in a Brady identification system and his or her right to submit documents and evidence in support of the request for reconsideration.

(3) If, after a request for reconsideration is made under paragraph (2)(b), the prosecuting agency subsequently determines that the law enforcement officer or correctional officer should not be included in a Brady identification system, the prosecuting agency must do all of the following:

(a) Remove such officer from the Brady identification system.

(b) Send written notice by United States mail or e-mail to the law enforcement officer or correctional officer at the officer's current or last known employing agency confirming that the officer's name has been removed from the Brady identification system.

(c) If the name of a law enforcement officer or correctional officer was previously included in a Brady identification system and his or her name was disclosed in a pending criminal case, notify all parties to the pending criminal case of the officer's removal from the Brady identification system.



(4) If a prosecuting agency fails to comply with this section, a law enforcement officer or correctional officer may petition a court for a writ of mandamus to compel the prosecuting agency to comply with the requirements of this section. The court's scope of review in such matter is limited to whether the prosecuting agency acted in accordance with the procedural requirements of this section and may not include a judicial review of the evidence or merits that were the basis for the inclusion of the officer's name in a Brady identification system. This section does not preclude a law enforcement officer or correctional officer from pursuing any other available administrative or judicial remedies.

(5) This section does not:

(a) Require a prosecuting agency to give notice to or provide an opportunity for review and input from a law enforcement officer or correctional officer if the information in a Brady identification system is:

1. A criminal conviction that may be used for impeachment under s. 90.610; or
2. A sustained and finalized internal affairs complaint that may be used for impeachment under s. 90.608, s. 90.609, or s. 90.610;

(b) Limit the duty of a prosecuting agency to produce *Brady* evidence in all cases as required by the United States Constitution, the State Constitution, and the Florida Rules of Criminal Procedure and relevant case law;

(c) Limit or restrict a prosecuting agency's ability to remove the name and information of a law enforcement officer or correctional officer from a Brady identification system if, at any time, the prosecuting agency determines that the name and information of the officer are no longer proper for identification; or

(d) Create a private cause of action against a prosecuting agency or any employee of a prosecuting agency, other than the writ of mandamus authorized in subsection (4).

**History.**—s. 3, ch. 2023-230.