

**GENERAL ORDER**

April 2016

Immediately

**II-10**

Distribution: All Employees

Subject: **PROCESSING COMPLAINTS AGAINST PERSONNEL**

Index as:	Anonymous Complaints	Information Only
	BI	Not Involved
	Bureau Investigation (BI)	Not Sustained
	Bureau Level Complaint	Office of Professional Standards Complaint
	Complaint Types	Office of Professional Standards Investigation
	Citizen Complaints	OPS
	Complaints Against Personnel	Personnel Early Intervention System
	Early Intervention System	Remedial Action
	Exonerated	Sustained
	Findings	Truthfulness
	IA Pro	Unfounded

Accreditation Standards: 26.2.1, 26.2.2, 26.2.3, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 35.1.9  
52.2.7, 52.2.8, CFA 27.01, 27.06

Cross Reference: §112.531 *et seq.*, 9§43.139 (1) & (2), §943.1395 (5), F.S.S.  
§11B-27.0011, F.A.C.

Replaces: G. O. II-10, Processing Complaints Against Personnel (March 12, 2019)

This Order describes the process for receiving and processing allegations of misconduct by employees of the St. Petersburg Police Department. It includes procedures of the Office of Professional Standards (OPS) and their responsibility for the review, documentation and forwarding of allegations of misconduct to the Chief of Police. Further, it sets forth the purpose, organization and duties of the Office of Professional Standards. This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Use of Force Allegations
- IV. Receipt of Complaints
- V. Investigating Complaints
- VI. Documenting and Tracking Disciplinary Decisions
- VII. Office of Professional Standards
- VIII. Complaint Processing by the Office of Professional Standards
- IX. Review of Investigations
- X. Distribution of Investigation Reports
- XI. Personnel Intervention System

## I. POLICY

A. The integrity of a police agency depends on the personal conduct and discipline of each employee. To a large degree, the public image of the agency is determined by the efficiency and effectiveness of the agency's response to allegations of misconduct.

B. The St. Petersburg Police Department welcomes constructive criticism and the filing of valid complaints about the conduct of employees or policies that may be of concern to the public. The Department will conduct a thorough investigation into all reported improprieties and make a fair and impartial evaluation of the results of the investigation in order to protect the Department and the public against acts of misconduct by police personnel, and to protect police personnel against invalid charges made by the public.

C. The Department has established a Personnel Intervention System to assist supervisors and managers in identifying employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employee, fellow employees, the Department and/or the community.

#### D. Truthfulness

1. The integrity and efficiency of internal investigations are of paramount importance to the Department's ability to be accountable to itself and to the public it serves. Therefore, all employees involved in Departmental investigations are required to cooperate truthfully and fully.

2. All employees involved in Department internal administrative investigations will be truthful and forthright in providing information.

a. Employees who withhold information of which they have knowledge or who respond to questions during a Departmental investigation with evasive, misleading, partial answers or other similar responses will be considered to be untruthful.

b. If during the course of the investigation, it is shown through other credible evidence of record that an employee's response was untruthful, that employee will be subject to disciplinary action.

c. The result of any sustained charge of untruthfulness may result in termination.

E. Confidentiality of investigations of misconduct will be according to current and applicable law.

F. Documents submitted to the Office of Professional Standards via the Chain of Command, in relation to allegations of misconduct or inappropriate Department policies, will be accompanied by all related police reports and other applicable documents.

G. Incidents which are likely to result in a complaint against employees or Department policies will be brought to the attention of the Chief of Police.

## II. DEFINITIONS

### A. Complaint Types

1. Office of Professional Standards Complaint – Results from an allegation of misconduct of a serious nature by an employee, which requires an in-depth investigation. An example is, but is not limited to, unnecessary force or conduct unbecoming an employee.

2. Bureau Level Complaint – An allegation of misconduct of a minor nature by an employee, requiring a supervisory investigation. An example is, but not limited to, discourtesy or inefficiency.

3. Information Only – A procedural question from a citizen about the action or inaction of an employee which is received, reviewed and documented, by the Office of Professional Standards. Information Only complaints do not rise to the level of a Bureau or Office of Professional Standards Investigation.

### B. Investigation Types –

1. The following are types of investigations:

a. Office of Professional Standards Investigation – An investigation of misconduct of a serious nature by an employee, which requires an in-depth investigation by the Office of Professional Standards. An example is, but is not limited to, unnecessary force or conduct unbecoming an employee.

b. Bureau Investigation (BI) – An allegation of misconduct of a minor nature by an employee, requiring a supervisory investigation. An example is, but not limited to, discourtesy or inefficiency.

c. Information Only – A procedural question from a citizen about the action or inaction of an employee.

2. The Chief of Police retains the right to assign the investigation of a complaint to a Unit of the Chief's choosing and to determine the manner in which it will be investigated.

C. Findings –

1. Exonerated – The investigation revealed the acts which provided the basis for the complaint or allegation were justified, lawful and proper.

2. Not Involved – Upon investigation, the employee is found to be not directly involved in the acts alleged.

3. Not Sustained – The investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

4. Sustained – The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.

5. Unfounded – The investigation conclusively proved that the allegations made in the complaint did not occur.

III. USE OF FORCE ALLEGATIONS

A. All allegations regarding unnecessary force will be referred to the Office of Professional Standards.

IV. RECEIPT OF COMPLAINTS

A. All employees of the Department will courteously and willingly receive any complaint lodged against the Department or any employee thereof. Anonymous complaints will be accepted, routed and reported as any other complaint; however, the Chief of Police will determine the extent to which they will be investigated.

B. Florida State Statute 112.533 requires that if a Department employee is notified of a formal complaint against an Officer employed elsewhere, this agency must forward that information to the appropriate agency within five (5) business days.

1. Employees receiving such information will forward it, in writing, as soon as possible by memorandum or email to the Office of Professional Standards.

2. If the allegation is of a serious nature, a Supervisor will be notified immediately to ensure the appropriate agency is promptly contacted.

C. During normal business hours, complaints against Department employees will be referred to the Office of Professional Standards by the person receiving them, unless the complaints are of a minor nature and can be resolved to the complainant's satisfaction by the Supervisor/Manager. (Examples include discourtesy, improper procedure or inefficiency.)

D. Complaints received during other than normal business hours will be referred to an on-duty Supervisor/Manager. The on-duty Supervisor/Manager, will utilize one of the following actions:

1. If it is determined to be a Bureau Level Complaint, the on-duty Supervisor/Manager may take one of the following actions:

a. Instruct the on-duty ranking Supervisor of the organizational component to which the named employee is assigned to investigate the complaint if the Supervisor is immediately available and is of superior rank to the named employee.

b. Instruct a member of the affected Bureau of superior rank to the named employee to receive and investigate the complaint.

c. Receive and investigate the complaint themselves.

d. Refer the matter to the Office of Professional Standards, via interoffice memorandum or e-mail, routed through the named employee's Chain of Command.

2. If the on-duty Supervisor/Manager chooses to utilize options described in this Order, they will:
  - a. Contact the complainant and the employee and inquire about the allegation.
  - b. Take action appropriate with the result of the investigation which could include, for example, counseling, a recommendation for additional training, or disciplinary action with the approval of the Chain of Command.
  - c. Notify the complainant and forward a completely filled out BI form, through the named employee's Chain of Command, to the Office of Professional Standards within fifteen (15) calendar days of initiating their investigation.

3. When initiating the investigation of a Bureau Level Complaint, the on-duty Supervisor/Manager will notify the Office of Professional Standards of the allegation by email, or other written memorandum, through the named employee's Chain of Command. Information required includes the nature of the complaint, the name of the complainant, the name and rank of the employee, the name and rank of the investigating supervisor, and the date that the complaint was received.

4. When initiating the investigation of a Bureau Level Complaint, the on-duty Supervisor/Manager conducting the investigation will check the named employee's files and disciplinary record to determine if they should continue the investigation or refer it to the Office of Professional Standards. (For example, when the matter may involve a chronic offender or be considered for application of progressive discipline, or when there is a possibility that discipline imposed would exceed forty [40] hours, the investigator should confer with the Office of Professional Standards before proceeding.)

E. If circumstances result in a preliminary determination that the matter rises to the level of an Office of Professional Standards Complaint, the Supervisor/Manager will take one of the following actions:

1. Refer the matter to the Office of Professional Standards, via an interoffice memorandum or via e-mail, if the complaint does not require immediate investigation or if immediate investigation is impractical. (For example, immediate investigation is required for Officer-involved shootings, an incident which results in a serious injury to an Officer or citizen, or the arrest or impending arrest of an employee.)

2. Notify the Major, Office of Professional Standards, and the named employee's Chain of Command when circumstances require an immediate investigation. In such cases, the Supervisor/Manager will take any action deemed necessary to preserve the integrity of the Department, until the arrival of OPS personnel, or until relieved by competent authority.

## V. INVESTIGATING COMPLAINTS

A. Supervisors and managers are responsible for monitoring the activities of their subordinates and for making inquiries into their conduct when deemed necessary. During any inquiry, if the Supervisor/Manager decides to initiate a Bureau Level Investigation (BI), the Supervisor/Manager needs to follow the policy stated in this Order.

B. Supervisors/Managers conducting a Bureau Level Investigation (BI) will provide:

1. All named employees with a copy of the Administrative (*Garrity*) Warning. Available at [J:\Forms\AdministrativeInvestigations\AdministrativeWarning\(Garrity\).pdf](J:\Forms\AdministrativeInvestigations\AdministrativeWarning(Garrity).pdf).

2. All sworn named employees with a copy of §112.532, *et seq.*, F.S.S. commonly referred to as the *Law Enforcement and Correctional Officers Bill of Rights*. Available at <J:\Forms\AdministrativeInvestigations\Officers Bill of Rights - October 2014.pdf>.

C. When employees are notified that they have become the subject of a Bureau Level Investigation (BI):

1. They will be provided with:

- a. A written summary of the allegation made by the complainant and/or witnesses on a BI Form. Available at:
  - 1) [J:\Forms\AdministrativeInvestigations\BureauInvestigation\(civilian\).doc](J:\Forms\AdministrativeInvestigations\BureauInvestigation(civilian).doc), or
  - 2) [J:\Forms\AdministrativeInvestigations\BureauInvestigation\(sworn\).doc](J:\Forms\AdministrativeInvestigations\BureauInvestigation(sworn).doc)

if the complaint was taken verbally; and/or

- b. A copy of any statements, no matter the form, made by the complainant or witnesses; and
- c. Any other evidence including, but not limited to, reports, audio or video recordings, photographs, etc.; and
- d. Notice of their rights and responsibilities relative to the investigation.

2. The Supervisor/Manager conducting the investigation will provide the accused employee with a memorandum, citing specific questions or concerns that need to be explained. If the named employee is requested to provide a written response, they will be given a reasonable period of time, a minimum of 24-hours, in which to do so.

3. In lieu of the above, the Supervisor/Manager conducting the investigation, or the employee being investigated, may request a verbal interview. The interview will be coordinated by the Office of Professional Standards.

4. The Supervisor/Manager conducting the investigation must check the accused employee's file and disciplinary record and attach to the completed investigation, a copy of all matters within the last eighteen (18) months.

D. Investigations conducted by OPS personnel will comply with the applicable Standard Operating Procedures.

E. During investigations, questions will be limited to the circumstances related to the incident under investigation.

F. Employees will answer all questions pertaining to an investigation and may be disciplined for refusing to do so. The result of a sustained allegation of insubordination in such matters can be termination.

G. Employees who are named in, or are witnesses to, an event which is the subject of an internal a Department investigation will not discuss or divulge information related to the investigation, except to their legally authorized representative(s), or when they are required to do so by law.

H. Employees who are investigating a complaint and become aware of an audio or video recording of the incident, will immediately notify the Office of Professional Standards before proceeding further.

I. Investigation of allegations involving non-sworn managers and civilian professional employees will be handled as directed by the Chief of Police.

## VI. DOCUMENTING AND TRACKING DISCIPLINARY ACTIONS

A. Consistency and proper documentation is absolutely necessary during the discipline process. Before any type of disciplinary action takes place, the investigating Supervisor must check the employee's discipline file through the Office of Professional Standards for prior violations.

B. Issues of a minor nature, Group I Offenses, other than excessive or chronic attendance related issues, (See General Order III-13, Leave Due to Illness) will be documented as a verbal counseling for the first violation. A second violation of the same or generally similar offense within an 18-month period will result in a Memorandum of Counseling being issued to the accused employee. A third violation of the same or generally similar offense within an 18-month period will result in a Bureau Level Investigation and at least an Employee Notice being issued to the accused employee. However, each violation will be evaluated on an individual basis and may be handled at a higher level based upon the individual circumstances.

C. After the disciplinary action has taken place, the Office of Professional Standards must be notified.

D. The Office of Professional Standards is responsible for entering the discipline information into IAPro.

E. Most Group II and Group III offenses will continue to be investigated and documented in either a Bureau Level Investigation or an investigation conducted by the Office of Professional Standards.

## VII. OFFICE OF PROFESSIONAL STANDARDS

### A. Purpose of the Office of Professional Standards

1. To conduct thorough investigations and make fair and impartial evaluations of allegations made against employees, upon receipt of an allegation or complaint of misconduct against the Department or its employees, or duties that may be directed by the Chief of Police.

2. To make random inspections to ensure proper conduct and integrity in the following areas:
  - a. Audit and destruction of controlled substances seized by the Department.
  - b. Towing service.

- c. Random substance testing.
- d. Other inspections as may be directed by the Chief of Police.

#### B. Organization and Staffing

1. The Office of Professional Standards reports directly to the Chief of Police. The Division is staffed by such personnel as directed by the Chief and assigned to such duty hours as directed by the Division Commander.

2. The Major, Office of Professional Standards, will advise the Chief of Police of the receipt of each complaint that may rise to the level of an Office of Professional Standards Investigation. In no case will this exceed seven (7) calendar days from the time the information was received.

### VIII. COMPLAINT PROCESSING BY THE OFFICE OF PROFESSIONAL STANDARDS

A. The Office of Professional Standards will accept complaints made by citizens against Department employees or who question Department policies. Complaints will be accepted from any source, to include anonymous complaints, whether in person or by mail or telephone, and will be divided into two categories:

#### B. Bureau Level Complaints received by the Office of Professional Standards:

1. If the complaint has not already been investigated at the Bureau level, a completely filled out *Bureau Investigation (BI) Notice* will be sent to the named employee's Supervisor in electronic or paper form, also notifying their Chain of Command.

2. The employee's Supervisor will contact the complainant and the employee to inquire about the allegation. The Supervisor will take action appropriate with the results of their investigation which could include, for example, counseling, a recommendation for additional training, or disciplinary action with the approval the original memorandum, along with their written response, to the Office of Professional Standards, via the Chain of Command, within fifteen (15) calendar days of the date the matter was sent to the Supervisor.

3. The results of all Bureau Investigations (BI) received by the Office of Professional Standards will be reviewed by the Major, OPS, to determine if additional investigation is required.

4. Some complaints will be retained by the Office of Professional Standards as "Information Only," when it is shown there is no violation and the complaint has been determined to be a procedural question.

#### C. Complaints of a serious nature received by the Office of Professional Standards:

1. All complaints will be thoroughly investigated. However, before an Office of Professional Standards investigation is initiated, the complainant, if other than the Chief of Police, must give a notarized statement.

2. All OPS investigations will be completed within thirty (30) calendar days, when possible, from the date the complainant signs their statement. However, the Investigator may request an extension of fourteen (14) days when extenuating circumstances exist, by submitting an *Extension Request* form to the Chief of Police. If an extension is granted, the named employee will be notified in writing of the extension, including the reason for the request, providing they have already been interviewed. Additional requests for extension may be made, when necessary, every fourteen (14) days thereafter, following the same procedures.

- 3. A complete case report will be prepared for all investigations. This report will include:
  - a. A summary of the complaint or alleged act of misconduct;
  - b. A description of the incident, physical evidence and other information pertinent to the case;
  - c. The statements of all persons involved in the case; and
  - d. A review which includes the facts and conflicts developed during the investigation.

4. The completed case report will be signed by the Major, Office of Professional Standards, and forwarded to the Chief of Police.

## IX. REVIEW OF INVESTIGATIONS

A. The Chief of Police will review cases as soon as practical convene a Command Review Board.

B. All complaints sustained by the Command Review Board will be based on a conclusion of facts presented to them and will result in a *Notification of Sustained Complaint* being issued to the named employee.

C. Upon the completion of every investigation, the complainant, if other than the Chief of Police, will be notified by mail. Communications related to Office of Professional Standards Investigations will include a conclusion of facts and the final disposition of the matter.

D. The affected employee will be notified of the results of the investigation as follows:

1. In Bureau Investigations (BI), personally, by the person conducting the investigation as the employee signs the completed investigation; or

2. In Office of Professional Standards Investigations, as the employee signs the *Notification of Findings*, which will include a conclusion of facts and the final disposition of the matter.

E. The completed files of all investigations will be retained by the Office of Professional Standards for the length of time required by law.

## X. DISTRIBUTION OF INVESTIGATION REPORTS

A. In any matter which might give rise to a civil lawsuit against an Officer, a Department employee, or the City a copy of the complete case report is sent to the City's Legal Department.

B. When a case results in a sustained finding of misconduct of any type and the disciplinary action is appealable to the Civil Service Board, and the employee involved appeals to the Board, a copy of the complete case report is sent to the City Attorney for use in the Civil Service Hearing.

C. All cases, wherein there is a sustained finding of misconduct by a certified Officer whose actions are included in §11B-27.0011, F.A.C. (Moral Character) the investigating detective will complete the required Florida Department of Law Enforcement (FDLE) form and send a copy of the complete case report to FDLE.

## XI. PERSONNEL INTERVENTION SYSTEM

A. Supervisors and Managers play a critical role in the proper functioning of the Personnel Intervention System. They are in the best position to identify and correct potential problem employees and, once identified through the system, to monitor and ensure compliance with any remedial action that may be imposed.

B. The Office of Professional Standards will monitor all complaints regarding employees including all investigations, information only, use of force, pursuits and on-duty traffic crashes. To assist in this process, OPS utilizes IA Pro™ software designed for this purpose.

1. The IAPro™ software has an early warning component that is triggered when an employee exceeds the established thresholds for events listed in this Order. (e.g., two [2] citizen-initiated complaints in a six [6]-month period).

a. Thresholds are set by the Major, OPS, with the concurrence of the Chief of Police.

b. Thresholds will be evaluated frequently to determine if they are meeting the needs of the Personnel Intervention System.

2. When an employee triggers the early warning program in IA Pro™, the Major, OPS, will bring this to the attention of the employee's Assistant Chief who will conduct an inquiry.

3. If the named employee is assigned to the Office of the Chief, the required inquiry will be carried out by the Chief of Police, or designee.

C. The Chief or Assistant Chief will conduct an inquiry, along with the employee's immediate supervisor, to ensure the employee understands the appropriate Department policy or policies related to the complaint.

1. The Chief, or designee will:  
a. Ensure the employee is provided counseling or will initiate any other remedial action, if necessary; and  
b. Ensure the results of the inquiry and any counseling or other remedial action are documented in writing, and a copy is sent to the Office of Professional Standards.

2. If remedial action was necessary, the Major, OPS, will provide the Chief, or designee, with a six (6)-month update on the employee.

D. The intent of a counseling session, referral to the Employee Assistance Program or other remedial action is:

1. To educate the employee,
2. Promote proper employee conduct, and
3. Reduce the possibility of future formal complaints.

E. Annual Evaluation

1. The Major, Office of Professional Standards, will conduct an annual evaluation of the Personnel Intervention System and report the findings through the Office of Professional Standards Annual Report, to the Chief of Police for their approval.

---

Anthony Holloway  
Chief of Police