



GENERAL ORDER

DISCIPLINARY ACTION

GENERAL ORDER - 6

IMPLEMENTATION DATE: OCTOBER 15, 1987

REVOKES: NONE

6.1 INTRODUCTION

The policies and procedures in this Order have been established to ensure both Department integrity and the rights of Department members.

Department integrity relies upon the manner in which complaints of members' misconduct are received, recorded, investigated and concluded. Supervisors will thoroughly and expeditiously investigate all allegations of misconduct.

Note: Differences of opinion between a member and a citizen over the issuance of a traffic citation, lawful arrest or other appropriate action, shall not be investigated unless there is a citizen complaint of an alleged violation of law or of Department Directives by the officer. Absent any articulated fact, vague information or simple innuendo shall not be investigated nor shall a Complaint Control Form be completed.

Supervisory personnel shall have full authority to coordinate the receiving, processing and possible investigation of complaints against Department members. Supervisors shall assure that the rights of the accused members are not violated. All sworn supervisors shall be familiar with F.S.S.112, including any amendments.

Disciplinary actions are to be applied to all members impartially, without bias or prejudice. Prior to any formal disciplinary action, guidance and Record of Discussion shall be offered to members, when appropriate.

6.2 DEFINITIONS

Complaint – Any alleged misconduct against a member whether it involves a violation of City policy, General Orders, Standard Operating Procedures, Code of Ethics, local, state or Federal law. A complaint may be generated either externally (i.e., a citizen) or internally (i.e., an employee). Alleged misconduct by a member that, if true, would not be a violation of the above is not considered a complaint.

Complaint Control Form – A form used to document a complaint. The Complaint Control Form shall be completed on all complaints.

Discipline – A dismissal, demotion, suspension or written reprimand, or any combination thereof.

Fast Track Resolution – A voluntary program for members who realize and voluntarily admit a policy violation and wish to expedite the disposition of the matter.

Informal Notice for Corrective Action– Any Record of Discussion or recommendation for training.

Internal Investigation - Any investigation of a procedural or criminal complaint against a member, made by either a citizen or another member, ~~that is~~ conducted by the Office of Professional Standards.

Member - Any member of the Police Department, sworn or non-sworn.

Supervisor - A member appointed to coordinate, direct, and oversee other members.

Supervisory Review- An administrative inquiry on a minor complaint.

6.3 POLICY/PROCEDURE

6.3.1 Levels of Discipline

- A. Although consistency in administering discipline is desirable, many factors should be considered when determining the appropriate level of discipline imposed at each step. See Administrative Policy 06.09.01 for further guidance.
- B. The concept of progressive discipline is intended to improve member's conduct and performance through corrective training. Training shall be conducted during reasonable hours, on Department time under a Field Training Officer/or Supervisor, or in the form of a CJSTC approved School. Repeated offenses shall generate progressively increased penalties. However, some conduct is so severe that suspension, demotion, and/or termination is warranted upon a first violation.
- C. While often similar, incidents of misconduct are rarely identical. For this reason, the Department retains the right to treat each occurrence on an individual basis without necessarily establishing a precedent for the future.
- D. Each level of formal administered progressive discipline and training shall be fully documented and placed in the member's personnel file.

6.3.2 Informal Notice for Corrective Action

NOTE: Informal Notice for Corrective Action shall not be considered discipline.

A. Record of Discussion

- 1. A Record of Discussion enables supervisors to bring to a member's attention the need to improve performance, work habits (i.e., tardiness), behavior or attitude and to serve as a warning against further repetition of the unsatisfactory conduct.
- 2. The supervisor shall utilize the occasion to identify and define the area needing improvement and inform the member as to what improvement is required.

3. This shall be documented on a Record of Discussion form signed by the supervisor and component captain.
4. The member shall sign the form acknowledging receipt of a copy of the form.
5. The original signed copy of the Record of Discussion form shall be forwarded, through the member's chain of command, to the Human Resources Unit.
6. Complaint Control Forms do not need to be completed.

B. Training

1. If a supervisor or official board determines that infractions or poor work quality are the result of a lack of knowledge of procedures or policy, the supervisor, or official board may request remedial training via the chain of command to the Training Unit as well as notification up through the chain of command, including the Chief of Police.
2. The purpose of additional training is to assist the member in correcting and improving their performance level.
3. Training shall be conducted during reasonable hours, on Department time, under a Field Training Officer or a Supervisor. If necessary, the member may be assigned to the Training Unit for remedial training. Training may be given in addition to disciplinary actions.
4. Any recommendations for training and the results of the training shall be documented and placed in the member's training file.

6.3.3 Formal Disciplinary Action**A. Written Reprimand**

1. In the event offenses are continued or repeated and the member has already received corrective action, or if the nature of the offense demands discipline, a member may receive a written reprimand.
2. This shall include a complete description of the incident(s) of misconduct, and refer to specific times, dates, locations, and personnel involved, rules violated, and previous records of discussion.
3. The member shall be advised of a time frame in which to correct the behavior, if appropriate, and informed that future violations will result in further disciplinary actions, up to and including termination.
4. The reprimand shall be in letter form written by the member's immediate supervisor and approved by the applicable Deputy Chief of Police or their designee.
5. After the member signs the reprimand, a copy shall be given to the member and the original shall be forwarded, through the member's chain of command, to the Human Resources Unit for inclusion in the member's personnel file.
6. Members may submit comments on a separate sheet for inclusion in the record.

7. Written reprimands should be reflected in the member's performance evaluation including any noted improvements.

B. Suspension

1. In the event offenses are continued or repeated and the member has already received corrective action or written reprimands, or if the nature of the offense demands more serious discipline, a member may be suspended for a specific period of time.
2. A suspension of up to 3 days may be issued by the supervisor with written authorization from the Chief of Police. Human Resources shall be notified prior to the suspension being issued.
3. The suspended member shall sign the letter upon receipt and a copy shall be given to the suspended member, with the original placed in the member's personnel file.
4. A suspension of more than 3 days shall be documented in a letter signed by the Chief of Police with prior concurrence by the Human Resources Director, a review by the City Attorney's Office, and authorization by the City Manager's Office. The suspended member shall sign the letter upon receipt and a copy shall be given to the suspended member, with the original placed in the member's personnel file.
5. Such suspension shall be without pay, and if for more than one day, shall be issued on consecutive working days, unless approved by the Chief of Police.
6. A suspended member shall not be permitted to work on his normal day(s) off, nor shall accumulated leave time be deducted, for the period of suspension.
7. During suspension, the officer's ability to engage in off-shift police employment shall be temporarily withdrawn.
8. The Chief of Police, with the approval of the City Manager, may suspend a member with or without pay during an investigation when the allegations are serious enough to, if sustained, warrant an extended suspension, dismissal, demotion, or the member is arrested and charged (probable cause is found by a judge at a hearing).
9. Members placed on administrative leave in accordance with GO 3 – Response to Resistance, shall not be considered suspended.

C. Demotion

1. A demotion may be warranted:
 - a. When lower levels of discipline fail to correct a problem.
 - b. When there has been a documented inability to fulfill the duties of the higher-level job in a satisfactory manner.
 - c. Upon a serious breach of departmental rules and regulations.

- d. In cases where the only alternative to demotion would be dismissal from the Department and the Chief of Police deems it is in the best interest of the Department to retain the member in another capacity.

2. Any such demotions shall be documented, and a copy placed in the member's file.

NOTE: A voluntary demotion shall be so designated and shall not be deemed a disciplinary action.

D. Dismissal

1. For a continued series of minor offenses, repetition of more serious offenses, or on the first occurrence of a serious offense, a member may be dismissed from the Department.
2. A dismissed member's file shall be maintained as mandated by the State of Florida General Records Schedule.
3. If the member's alleged conduct is serious enough to warrant dismissal, the member may be placed on suspension, with or without pay, pending the outcome of the investigation.
4. In instances where a member poses an immediate threat to the safety and wellbeing of the members of the Department or the citizenry of the City of Coral Springs, any Supervisor shall immediately relieve that member from duty and follow the established disciplinary procedure. For example, a member who reports for work intoxicated shall be relieved from duty immediately by a Supervisor.
5. The Supervisor shall state the circumstances of the matter concerning the members' being so relieved in writing to the Chief of Police, via the chain of command. The facts upon which the complaint is based shall be described in full.
6. A member relieved from duty shall not be restored to duty, except by the direction of the Chief of Police, pending an investigation of the charges for which they were relieved from duty.
7. Any member dismissed as a result of a misconduct investigation shall receive written notification containing the following information:
 - a. A statement citing the reason for dismissal.
 - b. The effective date of the dismissal.
 - c. A statement of the status of accrued employee benefits after dismissal.
 - d. For non-probationary employees, a statement outlining the employee's rights regarding appealing (civilians) or grieving (sworn) the termination.
 - e. For probationary employees, a statement that provides substantially that:
 - (1) For sworn law enforcement officers, per the Collective Bargaining Agreement, Article 40, sworn members on probationary status are subject to dismissal without

the City being required to state a reason, and they shall not have access to the grievance or arbitration procedures of the CBA with regard to dismissal.

- (2) For civilian personnel, per City Administrative Policy 06.09.01, civilian probationary members are subject to dismissal without cause pending a review by the City Attorney's Office and authorization by the Director of Human Resources. The probationary employee shall not have the right to appeal the dismissal.
- (3) For civilian and sworn probationary employees, if the employee is dismissed for a reason that may stigmatize the probationary employee's reputation, then the probationary employee may request a name-clearing hearing.

 - (a) A name-clearing hearing is not an appeal.
 - (b) A name-clearing hearing is an opportunity for the probationary employee to present information and testimony to be included in their personnel file, which is a public record.
 - (c) The employee shall request a name-clearing hearing to the Human Resources Manager within five (5) business days.
 - (d) The hearing will be scheduled within fifteen (15) business days after the request for a name-clearing hearing is requested.
 - (e) The sole purpose of the hearing is for the employee to offer documentation and testimony of why the stigmatizing charges are untrue.
 - (f) The hearing shall be recorded and transcribed. The transcript and all information presented by the probationary employee shall be placed in the probationary employee's personnel file.
 - (g) The Human Resources Manager shall summarize the hearing and information presented by the employee and place the summary in the probationary employee's personnel file.

6.3.4 Pre-Discipline Conference (Bargaining Unit Members Only)

- A.** Prior to the imposition of any suspension, demotion, or termination, the affected member, the affected member shall receive a Notice of Proposed Disciplinary Action that shall provide for:

 1. The particular rule(s) alleged to have been violated;
 2. The recommended disciplinary action;
 3. The date the disciplinary action will take effect the member does not elected a pre-discipline conference.
- B.** After issuance of the Notice for Proposed Disciplinary Action of the charges, the affected member shall have an opportunity, at their option, to meet with the Chief of Police and the City's Human Resources Director or their designee.

- C. At such a meeting, the affected member shall have the right to be accompanied by a representative or attorney of their choice.
- D. During the meeting, the affected member will not be compelled to make any statements or be interrogated. The affected member shall have the right to present any information on the charges and to otherwise discuss why the proposed disciplinary action should not be taken. The presentation of information may be oral or in writing.
- E. After the imposition of discipline, the affected member shall have the right to challenge the discipline per the appropriate collective bargaining agreement.

6.3.5 Notice of Disciplinary Action

- A. When recommended disciplinary action is suspension, demotion or termination, a formal statement of charges and specifications shall be prepared by the appropriate office.
- B. The statement shall include:
 - 1. The particular rule(s) alleged to have been violated.
 - 2. The disciplinary action being imposed.
 - 3. The date the disciplinary action takes effect.
 - 4. The member's right to appeal, and appellate procedures.
- C. The Chief of Police shall notify the involved member of the disciplinary action within a reasonable time period.
 - 1. Where possible, service shall be made while the member is on duty.
 - 2. Where on-duty service is not feasible, the member may be served at home.

6.3.6 Appeals (Bargaining Unit Members Only)

- A. Probationary members shall not have the right to appeal any type of disciplinary action.
- B. For non-probationary members, the grievance and arbitration procedure, set forth in the current contract when discipline is administered, shall be the exclusive procedure for challenging suspensions, demotions, or terminations of the bargaining unit members and no other City administration procedures or policies shall apply to such challenge.

6.3.7 Appeals (Non Bargaining Unit Members Only)

See City Administrative Policy 06.09.01

6.3.8 Complaints

- A. All complaints shall be documented and reviewed and, upon it being determined that the complaint, if true would be a violation of policy, procedure, or law the complaint shall be investigated by the Department.

- B.** A complaint may be generated whether externally (i.e., a citizen) or internally (i.e., an employee).
 - 1. Citizen complaints shall only be accepted by a supervisor. Complaints may be received in person, over the telephone, or in writing.
 - 2. Anonymous complaints shall be accepted for review. In order to comply with FSS 112.532, which states that officers are entitled to the name of the complainant, the Chief of Police shall become the complainant in such cases.
 - 3. Failure to properly document and investigate a complaint shall lead to disciplinary actions. In addition, the complaint shall be documented regardless of the complainant's desired outcome.
 - 4. Due to potential complexities and the sensitive nature of some complaints, major allegations of impropriety should be discussed with the supervisor of the Office of Professional Standards prior to the completion of a Complaint Control Form.
- C.** Per F.S.S. 112.532, investigation of complaints must be completed within 180 days if disciplinary action will be undertaken unless specific circumstances are met.
- D.** To ensure compliance with F.S.S. 112.532, Supervisory Reviews should be completed in 30 days and Internal Investigations should be completed in 120 days unless an extension is granted either verbally or in writing by the Chief of Police. Extensions shall only be granted when just cause is shown.

6.3.9 Complaint Procedure

- A.** All Complaint Control Forms shall be routed to the Office of Professional Standards for intake, review, and tracking. The Office of Professional Standards shall maintain a record of all complaints received.
- B.** The Office of Professional Standards will present all Complaint Control Forms to the Chief of Police.
- C.** The Chief of Police will review the Complaint Control form. The Chief of Police will then:
 - 1. Notify the complainant, in writing, that the complaint, as described, is not a violation of Department policy or law, or
 - 2. Request Corrective Action for a member and not assign the complaint for investigation; or
 - 3. Assign the complaint as either a Supervisory Review, Fast Track Resolution, or Internal Affairs Investigation.

6.3.10 Supervisory Review

- A.** Supervisory Review – Primarily handled as a responsibility of supervisors or command officers. Supervisory Reviews include but are not limited to the following types of complaints or incidents:

1. Discourtesy or use of profanity toward citizens or Department members.
 2. Violations of non-criminal traffic laws
 3. Failure to comply with the rules and regulations on demeanor.
 4. Minor breaches of confidentiality.
 5. Abuse of lunch and /or other breaks.
 6. See City Administrative Policy 06.09.01 section entitled "Misconduct" for more examples.
- B.** The Supervisory Review shall include questioning witnesses and complainants and securing all relevant evidence.
- C.** The investigating supervisor shall:
1. Be responsible for the expeditious completion of assigned supervisory reviews. The Office of Professional Standards shall monitor the investigation.
 2. The investigating supervisor shall contact the complainant and obtain more information if needed.
 3. The supervisor shall ensure that statements are taken from all known witnesses. In addition, they will collect and review any supporting evidence.
 4. Statements shall be in oral or written form and documented in the supervisor's report.
 5. After the completion of complainant and witness interviews, the investigating supervisor shall consult with the Office of Professional Standards to determine if an interview with the subject member should be completed during the Supervisory Review.
- D.** All Supervisory Reviews shall have one of the following dispositions:
1. No Evidence of Violation - Incident complained of occurred but was lawful and proper or the allegation was false.
 2. Corrective Action – a minor violation of policy occurred and can be handled through a Record of Discussion and/or remedial training.
 3. Insufficient Evidence – The review could not be thoroughly or properly investigated. This may be caused by the absence of a critical interview which is necessary to proceed with the review or the available evidence or witness statements are insufficient to adjudicate the complaint.
 4. Refer for Investigation – a violation of policy may have occurred and, if proven, a higher level of discipline may be required.

- E. Upon completion of the supervisory review, the supervisor shall forward to the Office of Professional Standards a summary report and all documents, evidence and statements relating to the review.
- F. The Office of Professional Standards will review, and present all completed Supervisory Reviews to the Chief of Police for final determination.
 - 1. Complainants and involved member(s) will be notified in writing of the results of the review.
 - 2. Incidents referred for investigation will be handled by the Office of Professional Standards.

6.3.11 Fast Track Resolution

The purpose of the Fast Track Resolution is to expedite the disposition process and reduce the amount of time and resources needed to reach a conclusion.

- A. Fast Track Resolution is available for members who voluntarily admit that they committed a policy violation and wish to expedite the disposition of the matter. A member who is the subject of a potential Internal Affairs Investigation may be offered, at the sole discretion of the Chief of Police, the opportunity to participate in an expedited disposition.
- B. Fast Track Resolution is not a right and does not preclude a supervisor from issuing a record or discussion or written reprimand when evidence exists in situations which supervisors may take immediate action. The Fast Track Resolution Process is offered for alleged violations that would be assigned to the Office of Professional Standards for an investigation.
- C. If the matter is deemed appropriate for Fast Track Resolution by the Chief of Police, the subject member shall be provided a Fast Track Resolution Response Form within 30 days after it is deemed appropriate by the Chief of Police.
- D. The Fast Track Resolution Response Form shall include the date presented to the member, a summary of the complaint received, the alleged policy violations, and the Chief of Police's recommended action based upon initial review.
- E. Once the offer of Fast Track Resolution is presented, the subject member will have 5 business days to complete and return the Fast Track Resolution Response Form to the applicable Deputy Chief. This form shall serve as notice that the subject member would like to participate in the Fast Track Resolution process. If a response is not received within 5 business days, the fast track offer will no longer be available, and the investigation will commence within the Office of Professional Standards.
- F. The subject member will be provided with an opportunity to note any mitigating circumstances which may be a reason for the Chief of Police to divert from the original recommendation.
- G. By signing the Fast Track Resolution Response Form, the subject member agrees that:
 - The member is participating in the Fast Track Resolution process freely and voluntarily without any expressed or implied threat, promise or intimidation.

- The member does not wish to contest the factual allegations in the complaint and waives all further appeals, including grievance and arbitration, concerning the investigation and discipline.
 - The subject member understands that without giving a voluntary statement, any acknowledgement, explanation or mitigating factors will be noted on the Fast Track Resolution Response Form.
 - The disposition of the Chief of Police is final.
- H. The Deputy Chief of Police shall review the Fast Track Response form and forward it to the Chief of Police for final disposition.
- I. The Chief of Police will complete Fast Track Final Disposition Form. The completed forms will be forwarded to the Office of Professional Standards.
- J. Notification of the final disposition will be made within 30 days of the date the subject member elected to participate in the Fast Track Resolution program.
- K. The subject member shall sign and date the Disposition form. The Fast Track Resolution is considered closed, and the subject member will receive a copy of all Fast Track forms.
- L. The Office of Professional Standards shall maintain the original Fast Track Resolution forms in accordance with Florida records retention schedules.
- M. Any corrective action or discipline recommended by the Chief of Police shall be completed by the subject member's Component Supervisor or their designee.

6.3.12 Internal Affairs Investigations

- A. Internal Investigations – The Office of Professional Standards shall investigate allegations of serious misconduct. Internal Investigations include but are not limited to the following examples:
1. Being under the influence of drugs or alcohol while on duty.
 2. Insubordination
 3. Fitness for duty
 4. Any criminal or City ordinance violation.
 5. False statements written or oral.
 6. Major conflicts of interest such as use of office for personal gain.
 7. Absence without leave.

8. Excessive force.
 9. Unauthorized off-duty employment.
 10. See City Administrative Policy 06.09.01 for examples of serious misconduct.
- B. Upon becoming aware of serious misconduct that could result in termination, suspension, demotion, or the filing of criminal charges, the supervisor shall discuss the case with the Office of Professional Standards prior to filling out a Complaint Control Form.
 - C. Upon receipt of a complaint of serious misconduct, the Chief of Police shall be briefed by the Office of Professional Standards.
 - D. All investigations will be completed in accordance with FSS 112.532 and FSS 122.533, as may be amended from time to time.

6.3.13 Interviews and Statements

A. Interview Guidelines

1. All interviews with sworn members under investigation shall be done in accordance with FSS 112.532.
2. Prior to the interview concerning allegations of administrative violations, the member under investigation shall be advised substantially as follows:
 - a. Interview questions shall be specifically, narrowly, and directly related to the member's performance of official duties or their fitness for duty.
 - b. Refusal to comply with an order to answer such questions is a violation of departmental rules, which may subject the member to further discipline, up to and including termination.
 - c. Any self-incriminating statements will be used only for administrative purposes and cannot be used in any subsequent criminal proceedings.
 - d. A member may be subject to criminal prosecution if they knowingly provide a false statement.

B. Counsel at Interview

1. Members will be permitted to have an attorney, union representative, supervisor or other personal representative with them in the room during any interview where they are the subject of the complaint.
2. The member's representative is limited to acting as an observer of the interview.
3. The member's representative may advise and confer with the member during the interview if the interview focuses on, or leads to, evidence of potential criminal activity by the member.

C. Rights during an Internal Investigation

1. Prior to any interview or special examination, the member under investigation will receive confidential written notification of the complaint. This notification will advise the member of the nature of the complaint, the officer's Bill of Rights, if sworn, and responsibilities during the investigation.
2. All interviews will be conducted while the member is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
3. The interview will be held at the police department building or at a location agreeable to both parties.
4. Members under investigation shall not be subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No promise or reward shall be made by the internal investigators as an inducement to answer any questions.
5. The complete interview shall be recorded including all recess periods.
6. No participant in any internal investigation shall willfully disclose any information obtained pursuant to the investigation before the investigation is closed and it becomes subject to Chapter 119, Florida Statutes, as a public record.
7. For each internal investigation, the Chief of Police shall make a determination as to whether a representative shall be permitted during any witness officer statements.
 - a. If a representative is present, they will act as an observer of the interview.
 - b. If a witness officer makes an incriminating statement that could lead to disciplinary action or criminal charges, the questioning shall immediately cease until the provisions of F.S.S 112.532 and/or the rights and privileges afforded to a subject officer are met.

6.3.14 Special Examinations

- A. A member under investigation may request a breath test, blood, urine, psychological; CVSA/polygraph or medical examination if it is believed that such an examination would be beneficial to their defense.
- B. An on-duty supervisor is required to direct a member to submit to a breath, blood or urine test when a level of inebriation or drug usage is suspected as the factor directly related to duty performance or operating a Department vehicle **and** in accordance with the appropriate collective bargaining agreement.

6.3.15 Office of Professional Standards Responsibilities:

- A. The maintenance of a complaint log.
- B. The maintenance of a central file for complaints and completed Supervisory Reviews, Fast Track Resolutions, and Internal Investigations in a secured area, kept in conformity with state law, records retention requirements, and this General Order.

- C. The review of all supervisory reviews conducted outside the Office of Professional Standards. (Any incomplete or insufficiently investigated complaints may be returned for further action). Completed supervisory reviews will be stored by the Office of Professional Standards in accordance with records retention guidelines.
- D. The production of an annual summary of the complaints received and investigated by the Department, and their final dispositions, which shall be made available to the public.
- E. The responsibility of recommending to the Chief of Police that a case be referred to the State Attorney's office for possible criminal charges.

6.3.16 Dispositions

- A. All completed internal affairs investigations shall receive one of the following dispositions:
 - 1. UNFOUNDED - Allegation is false or not factual,
 - 2. EXONERATED- Incident complained of occurred but was lawful and proper,
 - 3. POLICY FAILURE - The allegation is true, but no policy exists relative to the complaint, or the policy should be reviewed for update in accordance with GO-1, "Written Directive System,"
 - 4. NOT SUSTAINED - Insufficient evidence either to prove or disprove the allegation,
 - 5. SUSTAINED - The allegation is supported by sufficient evidence.
 - 6. WITHDRAWN – The complainant withdrew the complaint.
 - 7. INCOMPLETE – The investigation could not be thoroughly or properly investigated. This may be caused by the absence of a critical interview which is necessary to proceed with the investigation or the available evidence or witness statements are insufficient to adjudicate the complaint.
- B. The Chief of Police will review all investigations and may amend dispositions based on articulable factors.
- C. Upon final approval, a member shall receive written notice of the disposition of the internal investigation. If warranted, this notice will include a statement that a Notice of Disciplinary Action will be forthcoming.

APPROVED


Bradley McKeone
Chief of Police