

COMPLAINT PROCESS

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I. POLICY

A system to investigate citizen complaints and internally developed inquiries is necessary to evaluate the propriety of certain activities and individual employee conduct. Investigative guidelines are essential to ensure this agency is conducting administrative investigations in an impartial manner. It is the policy of the Delray Beach Police Department to accept and review all complaints whether they are made in person, by phone, letter, E-mail, or anonymously. Any person or employee may initiate an inquiry or complaint, and all allegations of an employee's definable misconduct shall be investigated by the Internal Affairs Section, or other component of this agency, as directed by the Chief of Police. The Department shall maintain a system for the receipt, investigation, and determination of complaints received from any person, including employees of the department concerning allegations of definable misconduct by any employee of the department per [FS 112.533](#). This agency shall also maintain a system to provide for the custody, public access, and disposal of public records per [FS 119.01](#),

II. DEFINITIONS

Administrative Complaint – The document on which a written account of at fault traffic accidents or allegation(s) of misconduct are cited and the identity(ies) of employee(s), if known, alleged to have committed an act or acts of misconduct are referenced.

Blue Team – A web-based program utilized in the field to upload complaints, use of force reports, tire deflations, firearm discharges, department vehicle accidents, or any other violation. Additionally, Supervisors will be able to initiate, track, and manage the complaint process and a variety of administrative communications.

Coaching – A memorandum documenting a minor allegation or policy violation that does not reach the level of a formal investigation or formal discipline as determined by the Division Commander. It should be noted that Coaching is considered an informal disciplinary action of a sustained violation. Coaching violations will be handled by the employee's supervisor and will serve as the first step in progressive discipline.

Complainant – Anyone who makes an allegation of misconduct against the department or its employee.

Employee – Any sworn or non-sworn employee of the department.

IA Pro – Software used to store, manage and track complaints, tire deflations, department vehicle accidents, use of force and firearm discharges and perform investigations in Internal Affairs.

Internal Affairs Report – A report documenting a formal administrative investigation, authorized by the Chief of Police or designee, into the allegation(s) of misconduct normally investigated by the Internal Affairs Section.

Merit Review – A memorandum authored by a Division Commander detailing their review of an allegation which clearly articulates the findings that the case is without merit.

Misconduct – Commission, or omission, of any act constituting a violation of federal, state, county, or local laws, or ordinances. Violation of any Department or City Rule and Regulation, General Order, policy, or procedure.

Supervisor Review – A report documenting a formal administrative investigation into an allegation or violation of agency policy or misconduct normally investigated by a component of the department other than Internal Affairs, which if sustained, may lead to disciplinary action.

Training Review - A memorandum authored by a Division Commander detailing their review of an allegation which clearly articulates the allegation does not rise to the level of an SR or IA investigation and should be resolved with remedial training. Training is not considered to be discipline and will be documented in the employee's personnel and training files.

III. THE ORDER

1.0 Complaint Process Information

- 1.1 Information explaining the Department's complaint process may be provided one of two ways.
 - a. A brochure shall be provided to anyone who wishes a copy. The brochures are available at the Police Department's Front Desk.
 - b. The City of Delray Beach's website by accessing the Police Department's [Frequently Asked Questions](#) webpage.

2.0 Accepting Inquiries

- 2.1 When an inquiry or complaint concerning an employee is brought to the attention of any member of the department, the complainant shall be directed to an on-duty Watch Commander or designee who shall:
 - a. Interview the complainant to determine the facts of the allegation(s). During this interview, the attending supervisor shall have their BWC turned on and record the complaint interview. The video must be categorized for later reference in accordance with [G.O. 220 Body Worn Cameras](#).
 - b. Prepare a Delray Beach Police Department Administrative Complaint citing the alleged act(s) of misconduct in Blue Team, and obtain all relevant information, including employee(s) involved and witness(es).

- c. Issue the complainant the "Important Information Concerning Complaint Filing" notice and accept a signed receipt for same. Include any documentation or information related to the inquiry that may support or refute the allegations.
- d. Obtain a written statement from the complainant when possible.
- e. Forward the original Administrative Complaint and any related documentation or information, through the next chain of command, to the Division Commander.

3.0 Complaint Processing

- 3.1 The Division Commander shall review the inquiry and determine if the allegations have merit and warrant a formal investigation or the allegation has merit but does not rise to the level of formal discipline. Reviews must be concluded in 7 calendar days of complaint receipt.
 - a. If, after review, the allegations are determined to be without merit the reviewing authority will author a memorandum to the file clearly articulating the findings of their review and upload it into Blue Team.
- 3.2 Allegations assessed and found to be without merit, prior to a formal investigation, shall be retained/filed with Internal Affairs under the complainant's name in IAPro.
 - a. The Assistant Chief of Police or designee, complainant, and subject employee shall be notified by the Division Commander that a preliminary investigation has determined the allegations do not warrant a formal investigation.
 - b. In cases of merit review, the Division Commander's administrative assistant will ensure that the complainant is notified of the outcome.
- 3.3 Allegations assessed and found to not rise to the level of a supervisory review or internal affairs investigation, but rather, can and should be addressed by remedial training shall be forwarded to the training division to provide or seek remedial training.
 - a. The purpose is to correct an issue as soon as possible, rather than after a lengthy investigation.
 - b. If the employee fails to respond to the remedial training, the next offense will be handled in the traditional sense in the form of an SR or IA investigation.
 - c. Training will be documented in IAPro as "TR" and will not appear in the employee's internal affairs history.

- 3.4 If the allegation is found to be with merit, the inquiry shall be forwarded via Blue Team to the Chief of Police, or designee, who shall determine whether the inquiry shall be investigated by Internal Affairs, some other agency, or returned to the Division Commander for assignment.
- a. Allegations of minor misconduct such as discourtesy, improper driving, etc. will be routinely investigated as a "Supervisor Review."
 - b. Allegations of serious or gross misconduct such as excessive use of force, discriminatory policing, etc. will be routinely investigated by the Internal Affairs Section.
 - c. The Chief of Police may assign any case regardless of the level of misconduct to Internal Affairs.
 - d. Prior to assignment, all inquiries shall be forwarded to the Internal Affairs Section for recording via Blue Team, registering and controlling of all complaints and investigations of alleged or suspected misconduct within the agency in IAPro.
 - e. In the case of an inquiry involving employees assigned to different divisions, the Chief of Police, or designee, shall determine which division shall be assigned with investigating the inquiry.
 - f. The Internal Affairs Section Commander shall ensure inquiries not assigned to that section by the Chief of Police, or designee, are submitted promptly to the designated Division Commander to assign for investigation.
 - g. Division Commanders shall ensure that inquiries are assigned to a supervisor for investigation without delay.
 - h. Employees under investigation shall be notified via correspondence and personal contact at least 24 hours prior to the investigative interview of the time, date, and location of the interview as well as the allegations under investigation.
 1. A copy of the Administrative Complaint, citing the complainant's allegations against the employee, shall be attached to this notice.
 - i. Other than the Chief of Police, sworn employees under investigation are entitled to the rights provided by the Delray Beach Police Department Police Officer's Bill of Rights as articulated in the [PBA Contract for Police Officers and Sergeants](#) and the [PBA Contract for Lieutenants](#). Sworn employees are also entitled to the rights provided through [FS 112.532](#) and [FS 112.533](#).
 - j. All sworn members under investigation and subject to interrogation for any reason that can lead to any disciplinary action, suspension, demotion, or dismissal are entitled to the rights provided by the Delray Beach Police Department's General Orders, and the corresponding [FS 112.531](#), [FS 112.532](#), [FS 112.533](#), and [FS 112.534](#) governing internal investigations.

- k. The Internal Affairs Section Commander shall provide any needed assistance to department personnel tasked with investigating assigned inquiries.
 - l. Investigations shall normally be completed within 30 calendar days of assignment; however, the Division Commander tasked with investigating the inquiry may grant an extension based upon a written request from the assigned investigator.
- 3.5 If the allegation is found to have merit but does not reach the level of formal discipline, the Division Commander will designate the allegation as Coaching. The Administrative Complaint will be forwarded to Internal Affairs via Blue Team for a Coaching case number. Once the coaching number is assigned, the Administrative Complaint will be forwarded to the appropriate Supervisor for action with the employee.
- a. The Division Commander will decide when to utilize the Coaching category.
 - b. Allegations of minor misconduct such as discourtesy, improper driving, etc. can be but will not always be determined as a coaching moment. Each allegation will be viewed on its own merits.
 - c. An officer receiving multiple allegations of the same type will result in the formal discipline process moving forward.
 - d. The Coaching Form (Attachment A) will be signed by the supervisor and subject employee and then forwarded via Blue Team to the Internal Affairs Section to be retained in accordance with Florida Records Retention Schedules.
- 3.6 Once an investigative report has been completed it shall be notarized, scanned, then uploaded into Blue Team, reviewed, and processed as follows:
- a. Forward to the Division Commander to review the investigative report and determine whether the fact findings evidence a violation of policy. The Division Commander will author a memo summarizing such finding.
 - 1. Findings relative to each allegation cited in the inquiry shall be designated as:
 - a. Exonerated
 - b. Unfounded
 - c. Not Sustained
 - d. Sustained
 - b. Forward to the affected employee(s) Sergeant/Supervisor who will allow the affected employee(s) to review in Blue Team.
 - 1. Sergeant/Supervisor will note in comment box the employee(s) response agree or disagree of findings including the date and time of the review.

2. If the affected employee disagrees with the investigative findings, they shall have 48 hours to respond in writing to the finding(s) in the form of a memorandum.
 3. This memorandum will be scanned and uploaded to the investigative file via Blue Team as an attachment.
- c. Forward to the appropriate Assistant Chief, in the chain-of-command, who shall:
1. Note they “Agree” in the comment box portion when agreeing with the investigative finding(s) **and** author a memorandum of discipline recommendation(s), if applicable.
 2. Note they “Disagree” in the comment box portion when disagreeing with the investigative finding(s) and refer to their memorandum explaining the disagreement.
 3. The Assistant Chief shall include a memorandum via attachment articulating their reasons for disagreement and their recommended changes to the finding(s) and discipline recommendation.
- d. Forward to the Chief of Police who shall:
1. If the employee has been exonerated or the allegations are not sustained or unfounded and the recommendations have not changed during the review by the chain-of-command, the Chief of Police may close the case or request a Chief’s Hearing.
 2. If the allegations are sustained and formal discipline has been recommended, the Chief of Police will note in the comment box the Final Resolution outcome noting the Rules and Regulation Violation(s) and corresponding discipline. Additionally, the Chief of Police may request a Chief’s Hearing or forward the case to the next step (e).
- e. In the case of formal disciplinary action to be imposed, the employee(s) shall be notified by the Executive Assistant that the noted case requires their review with their Sergeant/Supervisor.
- f. If after reviewing the allegation(s)/finding(s) and applicable recommendations by the employee(s) chain-of-command, the employee(s) may:
1. Accept disciplinary recommendations.
 2. Request a hearing with the Chief of Police.
 - a) Sergeant/Supervisor will forward outcome to the Chief’s office via Blue Team that the employee(s) has requested a Chief’s Hearing or accepted disciplinary recommendation.

- b) If acceptance of disciplinary recommendation, the Sergeant/Supervisor will note the date and time the employee(s) discipline will be served.
 - c) If after a hearing the Police Chief chooses to uphold discipline, the affected employee(s) (sworn only) may grieve the matter in accordance with prescribed procedures outlined in [PBA Contract for Police Officers and Sergeants](#) and the [PBA Contract for Lieutenants](#).
- 3.8 When an investigation or review of an allegation is complete the Internal Affairs Section shall notify the complainant, via letter, with a copy to the officer/employee of the outcome of the investigation.
- a. In cases where the complainant is the Delray Beach Police Department, the officer/employee will be notified of the outcome of the investigation by being given a copy of the complaint form created in IAPro.
 - b. In cases of merit review, the Division Commander's administrative assistant will ensure that the complainant is notified of the outcome.
- 3.9 In all cases employees under administrative investigation shall be sent a copy of the Administrative Complaint form created in IAPro.
- 4.0 Records Maintenance, Security, Confidentiality, and Retention
- 4.1 Completed Merit Review, Coaching, Training Review, Supervisor Review, and Internal Affairs investigations shall be maintained, at all times, by the office of Internal Affairs on a secure server.
- a. All active Supervisor Reviews/Internal Affairs Investigations are considered confidential in nature pursuant to the provisions of Chapter 112 of the Florida Statutes and are exempt from the provisions of Public Records Access described in Chapter 119.
 - 1. Disclosure of information contained in active Supervisor Reviews/Internal Affairs Investigations shall be done so only through the provisions of the applicable subsections enumerated in [Chapter 112 of Florida State Statutes](#).
 - b. The provisions set forth in [Chapter 119 of Florida State Statutes](#) shall govern all public access and inspections of closed Merit Reviews, Coachings, Training Reviews, Supervisor Review/Internal Affairs Investigations. All requests for copies of any materials contained in either closed Supervisor Reviews or Internal Affairs investigations shall be made in accordance with [G.O. 1645 Public Records](#).

- 4.2 Investigations shall be retained in accordance with Florida Records Retention Schedules.



JAVARO A. SIMS
CHIEF OF POLICE

Replaces: G.O. 335 dated 02/02/2021

Copy: Sergeant's Training Manual

Attachment: A

References:

[PBA Contract for Police Officers and Sergeants](#)

[PBA Contract for Lieutenants](#)

[G.O. 411 Disciplinary Process](#)

[G.O. 730 Grievance Process](#)

[G.O. 915 Internal Affairs](#)

[Chapter 112 of Florida State Statutes](#)

[Chapter 119 of Florida State Statutes](#)

[FS 112.531](#); [FS 112.532](#); [FS 112.533](#); [FS 112.534](#); [FS 112.535](#); [FS 119.01](#)

Attachment A

DELRAY BEACH POLICE DEPARTMENT

NOTICE OF DISCIPLINARY ACTION

TO:

RE: **C.O. #**

=====

I agree to accept a coaching in lieu of an internal investigation _____
(Sign/ID#)

I do not agree to a coaching and request an internal investigation _____
(Sign/ID#)

You are hereby notified that the following disciplinary action has been taken against you:

Coaching: for violation of _____
(_____)

You have violated our stated Department Vision, Mission, and Values; more specifically, our commitment to ensuring public safety to the citizens we serve through our standards, training, performance and conduct.

You are hereby put on notice that any future violations of a similar offense may result in progressive discipline. It is your professional responsibility to ensure that no future violations occur.

This Coaching was served to: _____,
(Employee's Name)
this _____ day of _____, 20____, at _____
hours by _____.
(Server's Signature)

One Delray. One Community. One Police Department