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I. Functions of the Unit

A. Oversees all administrative investigations into allegations of misconduct against members of the agency, ensuring they are conducted in a thorough, confidential, accurate, and timely manner.

B. Securely maintains all complaints filed against the agency or members, administrative case files, and disciplinary action records, ensuring those records are stored and released in accordance with all legal requirements regarding confidentiality and public records requests. [CALEA 26.2.2; FCAC 7.05]

C. Facilitates the implementation of disciplinary actions following administrative investigations.

D. Facilitates member appeals of disciplinary actions, in coordination and consult with the Office of General Counsel (OGC).

E. Facilitates the suspensions of members' authority when related to allegations of misconduct.

F. Facilitates the implementation of Immediate Suspensions without Pay for extraordinary situations.

G. Compiles annual statistical summaries related to complainants and administrative investigations, which are then made available to the public.

II. Hours of Operation and Callout / Notification Criteria

A. Office Hours: Monday – Friday, from 0800 to 1700 hours (excluding holidays).

B. Office Contact Information: (904) 630-2187 or InternalAffairsUnit@jaxsheriff.org.

C. Callout/Notification Criteria:

1. The Lieutenant of Internal Affairs shall be notified, via the Investigative Police Dispatcher, when:

   a. An allegation of serious misconduct has been made against a member;

   b. A member has been arrested in any jurisdiction; or

   c. An extraordinary situation occurs, as established in this order, that could require a member to be placed in an Immediate Suspension without Pay status.

III. Policies & Procedures

A. **Definitions** [CALEA 26.3.8]

1. Allegation of Misconduct – A complaint made against a Jacksonville Sheriff's Office (JSO) member alleging a violation of law or policy.

2. Charge Disposition – The conclusion of fact based on all known evidence for a specific allegation of misconduct. When an administrative case is closed, each charge must have one of the following dispositions associated with it: [FCAC 7.09]

   a. Exonerated – An incident involving the alleged misconduct occurred, but there is a preponderance of evidence to prove the member's actions were lawful and proper;

   b. Not Sustained – There is insufficient evidence available to either prove or disprove the allegation of misconduct;

   c. Sustained – There is a preponderance of evidence to prove the member committed the alleged misconduct; or

   d. Unfounded – There is a preponderance of evidence to prove the allegation of misconduct is false or not supported by the facts.

3. Complainant – A person who has made an allegation of misconduct against a member.

4. Corrective Action – A non-disciplinary or disciplinary measure taken to address a violation of law, policy, or training.

5. Criminal Misconduct – Violation of any criminal law committed by a member.

6. Disciplinary Action – The four punitive steps of the JSO Progressive Disciplinary System, as established in Order 501 (Code of Conduct):

    a. Form P-1711e (Written Reprimand Level One) (Step 1);

    b. Written Reprimand Level Two (Step 2);

    c. Written Reprimand Level Two with Loss of Pay (Step 3); and

    d. Termination (Step 4).

7. Immediate Suspension without Pay – A measure taken by the agency when an extraordinary situation involving a member occurs, as defined by the City of Jacksonville (COJ) Civil Service and Personnel Rules and Regulations. An Immediate Suspension without Pay is distinctly different and separate from the Step 3 disciplinary action of the JSO Progressive Disciplinary System, Suspension without Pay, which is implemented following an administrative investigation with a sustained charge(s) of serious misconduct. This measure is also referred to as an Emergency Suspension or an Immediate Emergency Suspension.

8. JSO Progressive Disciplinary System – The hierarchy of corrective actions to be applied in response to a violation of law, policy, or training. The system is outlined in detail in Order 501 (Code of Conduct).

9. Minor Misconduct – Policy violation(s) committed by a member for which remedial training, counseling, and/or minor disciplinary action (Steps 1 and 2 of the JSO Progressive Disciplinary System) are appropriate. Administrative investigations into these allegations of misconduct are usually handled by the member's lieutenant. [CFA 20.01]

10. Non-Disciplinary Action – The corrective actions in the JSO Progressive Disciplinary System, as established in Order 501 (Code of Conduct), that are not considered discipline and are taken to prevent the need for future disciplinary action:

    a. Training;

    b. Informal counseling;

    c. Formal counseling;

    d. Loss of privileges (e.g., secondary employment, take-home vehicle); and

    e. Transfer from a permanent or ancillary assignment.

11. Preponderance of Evidence – The burden of proof required in administrative investigations that establishes a fact to be proven is more probable than not.

12. Principal – A member against who an allegation of misconduct has been made.

13. Reinstatement of Authority – The restoration of a member's law enforcement or corrections authority that had been previously suspended.

14. Serious Misconduct – Policy violation(s) committed by a member for which suspension, reduction of pay, demotion, or termination (Steps 3 and 4 of the JSO Progressive Disciplinary System) are appropriate. Administrative investigations into these allegations of misconduct are usually handled by the Internal Affairs Unit. [CALEA 26.3.1]

15. Summation – A synopsis of the evidence, testimony, and conclusion of fact for an administrative investigation. Informal Summations are completed on a Form P-0004e (Intradepartmental Correspondence). Formal Summations are completed using a Microsoft Word template available on the Internal Affairs Unit 94Net site.

16. Suspension of Authority – The rescinding of a member's law enforcement or corrections authority. This process is also referred to as defrocking.

17. Witness – A person who may have observed misconduct or who may be able to provide information pertinent to an administrative investigation.

B. **Receiving Complaints** [CALEA 26.2.1, 26.2.4; CFA 2.06]

1. All complaints against the agency and its members shall be accepted from any source, whether made in person, by mail, by electronic means, or by telephone, in accordance with the following procedures: [CALEA 26.2.1]

   a. Complaints Received in Person

      (1) If the complaint is made at the JSO Headquarters during normal business hours, the complainant will be given the following options:

         (a) Complete and submit a Form P-0235 (Employee Complaint) to the security desk at Forsyth Street or Bay Street;

         (b) Complete and submit a Form P-0235 (Employee Complaint) online via the official webpage of the JSO; or

         (c) Meet with a detective from the Internal Affairs Unit.

      (2) If the complaint is made at the JSO Headquarters after normal business hours or in the field at any time, the complainant will be given the following options:

         (a) Complete and submit a Form P-0235 (Employee Complaint) to the security desk at Forsyth Street;

         (b) Complete and submit a Form P-0235 (Employee Complaint) online via the official webpage of the JSO; or

(c) Meet with the appropriate on-duty lieutenant, who will ensure the complaint is documented and routed to the Internal Affairs Unit.

b. Complaints Received via Telephone

(1) When a complaint is being made over the telephone, the call taker will first obtain the caller's name and phone number (if the complainant is willing to provide that information) in case the caller is inadvertently disconnected prior to receiving the entire complaint.

(2) The call taker will provide the complainant with the following options:

(a) Complete and submit a Form P-0235 (Employee Complaint) online via the official webpage of the JSO;

(b) Have a Form P-0235 (Employee Complaint) mailed to him/her;

(c) Speak with an Internal Affairs detective during normal business hours; or

(d) Speak with the appropriate lieutenant.

c. Any complaint received by mail, electronic mail, or any other form of correspondence shall be forwarded to the Internal Affairs Unit.

2. The Lieutenant of Internal Affairs Unit shall notify the Undersheriff of all allegations of serious misconduct. The Undersheriff will keep the Sheriff informed of all cases involving serious misconduct and those pertaining to public awareness and interest. [CALEA 26.2.3, 26.3.2]

3. Anonymous complaints will be accepted and forwarded to the Supervisor of Internal Affairs Unit to be evaluated before an assignment is made to investigate the allegation. [CALEA 26.2.1]

4. Upon receiving a complaint, the Internal Affairs Unit shall notify the complainant in writing that their complaint has been received.

5. Responsibilities of a lieutenant when receiving a complaint: [CALEA 26.2.1]

a. When speaking with a complainant in person or via telephone, ensure a Form P-0235 (Employee Complaint) is completed by either the complainant or the lieutenant and route the completed form to the Internal Affairs Unit in such a way as to maintain confidentiality; and

b. Determine the type of alleged misconduct and handle accordingly: [CALEA 26.3.1]

(1) Allegation of a Crime – Immediately notify the Integrity Unit;

(2) Allegation of Serious Misconduct (Non-criminal) – Immediately notify the Internal Affairs Unit; or

(3) Allegation of Minor Misconduct – Initiate the appropriate type of field investigation and follow the procedures established in this order.

C. **Complaints of Bias-based Profiling** [CFA 2.06]

1. Any person may file a complaint with JSO if they feel they have been stopped or searched due to bias-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

2. Any member contacted by a person who wishes to file such a complaint, shall contact a supervisor who shall:

   a. Contact the complainant, preferably in person;

   b. Provide the complainant with a Form P-0235 (Employee Complaint), as well as the other options for making a complaint, as outlined in this order; and

   c. By the end of the shift, notify his lieutenant and forward the details of the complaint information, including the complainant's contact information, to the Internal Affairs Unit.

3. Lieutenants and supervisors shall, at random, observe the work of their subordinates and shall take appropriate action whenever it appears any bias-based profiling may be occurring, being particularly alert to any pattern or practice of possible discriminatory treatment by individual subordinates or units.

4. On an annual basis, the Internal Affairs Unit shall complete an administrative review of all bias-based profiling complaints. This review shall include the charge dispositions for all allegations, any corrective actions taken to address sustained allegations of bias-based profiling, the types of interaction that precipitated the citizen contacts and allegations, and any patterns or trends identified by the Internal Affairs Unit regarding the complaints. [CALEA 1.2.9, CFA 2.06]

D. **Confidentiality of Administrative Investigations** [CALEA 26.2.2; FCAC 7.05]

1. Any member who receives a complaint against a member, is required to participate in an administrative investigation, or who becomes otherwise privy to information related to an active administrative investigation is prohibited from sharing, discussing, or disseminating any information obtained pursuant to the investigation with any person or member until the investigation is concluded. The only exception to this requirement is communication between a principal and his designated representative. Maintaining confidentiality during an

administrative investigation is vital to preserve the integrity and impartiality of the investigation. [CFA 20.01]

2. Any lieutenant, member of the Internal Affairs Unit, or other member assigned to conduct an administrative investigation shall securely store all investigative materials to maintain the confidentiality and integrity of the investigation.

3. All members are required to report any improper disclosure of confidential information to the Lieutenant of Internal Affairs Unit.

4. Records from an active administrative investigation will not be released to anyone without approval of the Lieutenant of Internal Affairs Unit. All records released from active investigative case files will be acknowledged by the recipient in writing on a document receipt.

5. Records from a closed administrative investigation will be released in compliance with Florida State Statute (F.S.S.) public records laws and collective bargaining agreements. [CFA 20.01]

6. Members receiving **unredacted** records from the Internal Affairs Unit are responsible for the security and/or dissemination of information that is confidential and/or exempt, as established by public records laws. Members may be held criminally, civilly, or administratively liable for the dissemination of confidential and/or exempt information.

E. **Field Administrative Investigations** [CALEA 26.3.1]

1. Field administrative investigations, which are intended to address allegations of minor misconduct, may be initiated by the: [CFA 20.01; FCAC 7.05]

   a. Member's lieutenant, upon receipt of a complaint or observation of a policy violation; or

   b. The Internal Affairs Unit, upon receipt of a complaint, which will then assign the member's lieutenant to complete the investigation.

2. Field administrative investigations are to be completed using one of two formats, based upon the severity of the allegation: [CFA 20.01]

   a. Informal Field Investigation – Used for allegations of misconduct that could result in an Informal Counseling, Formal Counseling, or Form P-1711e (Written Reprimand Level One).[CALEA 26.3.1]

      (1) An Informal Case Summation is completed using a Form P-0004e (Intradepartmental Correspondence).

      (2) Case materials are attached to the Informal Case Summation. If the case was assigned by the Internal Affairs Unit or resulted in a member receiving a Form P-

1711e (Written Reprimand Level One), the case materials are stored in the Internal Affairs Office. Otherwise, the case materials are stored in the member's division file.

b. Formal Field Investigation – Used for allegations of misconduct that could result in a Written Reprimand Level Two or higher disciplinary action. [CALEA 26.3.1]

(1) A Formal Case Summation is completed using the Microsoft Word template posted on the Internal Affairs Unit 94Net site.

(2) Case materials are placed in a formal case file that is prepared by the Internal Affairs Unit when the case is initiated. After being routed to the principal's department director for a disciplinary action recommendation, the case file is stored in the Internal Affairs Office.

(3) Principals in formal field investigations are notified in writing by the Internal Affairs Unit that they are the subject of an administrative investigation. This notification informs the member of their rights and responsibilities related to the administrative investigation. When a new principal is identified, the lieutenant shall ensure the Internal Affairs Unit is notified so the appropriate written notice can be sent to the member. [CALEA 26.3.5, FCAC 7.06]

A lieutenant who is made aware of an allegation of minor misconduct may first confer with the Internal Affairs Unit prior to initiating a field investigation to discuss the most appropriate format for the investigation.

3. Upon being made aware of an allegation of misconduct, lieutenants and supervisors are permitted to conduct a precursory fact-finding inquiry to identify the member(s) against who the complaint is being made and to establish the exact nature of the complaint. Once the principals and alleged policy violations have been identified, a principal shall not be interviewed or compelled to make a statement (in any form) without first being provided with notice of his rights and responsibilities in an administrative investigation.

4. A field administrative investigation shall be completed by a member's lieutenant within 60 days of the investigation being initiated, unless extenuating circumstances require an extension. All extension requests must be made in writing and must be approved by the Lieutenant of Internal Affairs Unit. While some investigative tasks may be delegated to a supervisor, the assigned lieutenant is responsible for conducting the field administrative investigation. Line-level employees who are serving in an out-of-class supervisory capacity over a principal (e.g., patrol officer in charge) shall not be assigned tasks related to that administrative investigation.

5. Upon approval from the Commander of Public Accountability, a field investigation involving an allegation of serious misconduct may be forwarded to the member's lieutenant for completion. These cases are generally simple in scope, but qualify as serious misconduct (e.g., previous repeated minor policy violations now render a principal eligible for disciplinary actions involving a loss of pay).

6. If during a field administrative investigation, the lieutenant discovers potential serious misconduct or criminal misconduct, he shall immediately notify the Internal Affairs Unit or Integrity Unit, respectively. [CFA 20.01]

7. When conducting a field administrative investigation, the lieutenant shall:

   a. Contact the complainant, preferably in person, to obtain specific information regarding the nature of the complaint and to ensure a Form P-0235 (Employee Complaint) is completed, if one was not completed already;

   b. Throughout the course of the investigation, provide the complainant with periodic updates on the status of the investigation, logging each update in the summation or case file; [CALEA 26.3.4]

   c. Gather, review, and analyze all relevant material, such as reports, recordings, logs, and correspondence between parties;

   d. When photographs of injuries or other evidence are needed, have a Crime Scene Unit (CSU) detective respond and take photographs;

   e. If the case could result in any disciplinary action, obtain audio-recorded sworn statements from all complainants, witnesses, and principals, ensuring each interviewee acknowledges and signs the following forms:

      (1) A Form P-1757 (Sworn Statement Affidavit), with the interviewee being placed under oath prior to signing;

      (2) For all JSO members, a Form P-1550 (Administrative Proceedings Rights); and [FCAC 7.06]

      (3) For all police, correctional, and judicial officers who are principals in the case, a Form P-0539 (Law Enforcement and Correctional Officers' Bill of Rights Notification). [FCAC 7.06]

   f. In situations where non-member complainants and witnesses refuse to provide a sworn or recorded statement, take detailed notes on the non-member's statement and preserve those notes in the case file;

   g. Ensure the principal, prior to being interviewed, was afforded the opportunity to review all case materials to include in-car and body worn camera recordings and obtain a representative of his own choice to be present prior to the start of the interview; and [CALEA 41.3.10]

   h. Complete the summation, which shall include:

      (1) Details of all information and evidence collected during the investigation;

(2) A summary of pertinent information from each interview;

(3) A conclusion of fact section where each allegation of misconduct is addressed and receives a charge disposition;

(4) For informal field investigations, the date the lieutenant notified the complainant of the findings and charge dispositions; and [CALEA 26.3.4]

(5) The following Sworn Summation Statement, along with the lieutenant's signature on the last page of the summation:

> "Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true based upon my personal knowledge, information, and belief. 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 rights contained in 112.532 and 112.533, F.S.S."

8. After completing the summation and determining a charge disposition for each allegation of misconduct, the lieutenant shall:

   a. For Informal Field Investigations that were initiated by the lieutenant, implement the most appropriate corrective actions (up to a Form P-1711e [Written Reprimand Level One]) to address any sustained allegations of misconduct;

   b. For Informal Field Investigations that were assigned by the Internal Affairs Unit, forward the Informal Case Summation to the principal's commander for approval, along with a recommendation for any corrective actions to be taken; and

   c. For Formal Field Investigations, forward the completed case file to the principal's commander and ensure the following are included in the file:

      (1) The Formal Case Summation;

      (2) All investigative materials;

      (3) A Form P-0129 (Disciplinary Actions Recommendation); and

      (4) An Employee Administrative Investigation History for each principal (available from the Internal Affairs Unit).

F. **Internal Affairs Administrative Investigations**

1. Investigators from the Internal Affairs Unit conduct formal Internal Affairs administrative investigations for most allegations of serious misconduct. [CALEA 26.3.1; FCAC 7.05]

2. The Internal Affairs Unit shall complete all investigations within 120 days of the agency receiving the complaint, unless extenuating circumstances require an extension. All extension requests must be made in writing and must be approved by the Lieutenant of Internal Affairs Unit. [CALEA 26.3.3]

3. Principals in formal Internal Affairs investigations are notified in writing by the Internal Affairs Unit that they are the subject of an administrative investigation. This notification informs the member of their rights and responsibilities related to the administrative investigation. [CALEA 26.3.5]

4. At the conclusion of the formal Internal Affairs investigation, the Internal Affairs Unit shall complete a Formal Case Summation with a conclusion of fact that identifies a charge disposition for each allegation of misconduct. [CALEA 26.3.8]

G. **Issuance of Discipline** [CALEA 26.1.5]

1. Disciplinary Hearing Board (DHB)

   a. In accordance with COJ Municipal Ordinance Chapter 37, the Disciplinary Hearing Board (DHB) reviews recommended administrative charges and disciplinary actions for officers who are facing suspension, demotion, or termination. The findings and conclusions of the DHB shall be transmitted in writing to the Sheriff, or designee, and, upon concurrence, the action shall become final. In the event of nonconcurrence, the Sheriff, or designee, may disapprove or alter an action by the Board. As soon as practical after receipt of the findings and recommendations of the Board, the Sheriff, or designee, shall reach a decision which shall then be tendered in writing to the accused member.

   b. The DHB shall be composed of five members with two members being selected by the Sheriff or his designee, two members being selected by the aggrieved or charged member, and the fifth member being selected by the other four members. None of the members of the DHB may be related to the accused officer. The Director of Personnel and Professional Standards shall designate one of the two members selected by the Sheriff to be the Chairperson of the DHB. The Director of Personnel & Professional Standards may designate themselves as the Chairperson of the DHB.

2. Issuance of Training, Counselings, and Forms P-1711e (Written Reprimands Level One)

   a. For minor performance issues, all supervisors may counsel or require additional training for a member without prior approval or the completion of an administrative investigation.

   b. When issuing a Form P-0646 (Formal Counseling) or Form P-1711e (Written Reprimand Level One), the lieutenant or supervisor shall explain to the principal the directives that were violated and provide specific guidance on how to improve performance and avoid the need for disciplinary action in the future. The member shall sign to acknowledge receipt of the counseling or reprimand. The member may also complete a written rebuttal statement to be attached to the original document.

3. After the final reviewer from the principal's chain of command completes the Form P-0129 (Disciplinary Actions Recommendation) in a formal administrative investigation, the Internal Affairs Unit:

    a. Coordinates with the principal's lieutenant to have any required training, counseling, or Form P-1711e (Written Reprimand Level One) issued to the principal;

    b. Meets with the principal to issue any Written Reprimand Level Two; and/or

    c. Meets with the principal to provide written notice of the agency's intent to suspend, reduce the pay of, demote, or terminate the member.

4. Notice of any disciplinary action must be given to the principal within 180 days of the date the agency was officially notified of the allegation(s) of misconduct. The only exceptions to this time limit are when the administrative investigation was tolled or reopened in accordance with the criteria established in F.S.S. 112.532. [CALEA 26.3.3]

5. Prior to implementing any suspension, reduction of pay, demotion, or termination of a non-probationary police, correctional, or judicial officer, the Internal Affairs Unit shall ensure a DHB is empaneled as expeditiously as possible to review the charges and make a formal recommendation to the Sheriff, in accordance with COJ Municipal Ordinance Chapter 37. Upon reviewing the DHB recommendation, if the Sheriff elects to implement a Step 3 or Step 4 disciplinary action, the Internal Affairs Unit shall:

    a. If Step 3, issue the suspension, reduction of pay, or demotion after the principal has exhausted or waived all appeal options afforded to him; or

    b. If Step 4, process the termination of the member's employment immediately, in conjunction with the Human Resources Division.

6. Prior to implementing any suspension, reduction of pay, demotion, or termination of a civilian member, the Internal Affairs Unit shall ensure a Pre-Disciplinary Conference Hearing is scheduled with the Undersheriff or designee to review the charges and make a formal recommendation to the Sheriff. Upon reviewing the recommendation, if the Sheriff elects to implement a Step 3 or Step 4 disciplinary action, the Internal Affairs Unit shall:

    a. If Step 3, issue the suspension, reduction of pay, or demotion after the principal has exhausted or waived all appeal options afforded to him; or

    b. If Step 4, process the termination of the member's employment immediately, in conjunction with the Human Resources Division.

7. If an administrative investigation results in the termination of a member's employment, the following shall be provided to the member: [CALEA 26.1.7, FCAC 7.02]

    a. A statement citing the reason for dismissal;

b. The effective date of the dismissal;

c. A statement informing the member of their appeal process in accordance with Civil Service Rules and Personnel Rules and Regulations and employee contracts; and

d. A statement of the status of fringe and retirement benefits after dismissal will be provided by the COJ's Department of Administration and Finance – Employee Benefits.

H. **Disciplinary Action Appeals** [FCAC 7.04]

1. If provisions of the member's collective bargaining agreement and/or the COJ Civil Service and Personnel Rules and Regulations permit him to do so, a member facing disciplinary action may elect to appeal the conclusion of fact in the administrative investigation and the subsequent disciplinary actions: [CALEA 26.1.6]

   a. To the Civil Service Board; or

   b. Via the grievance process established in the collective bargaining agreement and Order 520 (Grievance Process).

2. A member who fails to file a timely notice as established in the COJ Civil Service and Personnel Rules and Regulations and/or the applicable collective bargaining agreement waives his right to appeal.

I. **Post-investigation Notifications**

The following notifications are required after an administrative investigation has concluded:

a. The complainant must be notified of the findings and charge dispositions; [FCAC 7.09]

   (1) In Informal Field Investigations, the complainant will be notified by the lieutenant assigned the investigation.

   (2) In Formal Field Investigations and Internal Affairs Investigations, the complainant will receive written notification by the Internal Affairs Unit.

b. The principal must be notified of the findings, charge dispositions, and any disciplinary action, if applicable; [FCAC 7.09]

   (1) In Informal Field Investigations, the principal will be notified by the lieutenant assigned the investigation.

   (2) In Formal Field Investigations and Internal Affairs Investigations, the principal will receive written notification by the Internal Affairs Unit.

c. The City of Jacksonville's (COJ) Americans with Disabilities (ADA) Coordinator will be notified of the findings and charge dispositions if:

(1) The complaint was received by the COJ Office of Disabled Services; or

(2) The complaint is related to the Americans with Disabilities Act.

J. **Suspension of Authority Related to Allegations of Misconduct**

1. In cases involving allegations of serious misconduct, the Undersheriff may suspend the authority of any police or corrections officer and have him placed in a Temporary Limited Duty status.

2. The Internal Affairs Unit will facilitate all suspensions of authority related to administrative or criminal cases. At the time of the suspension of authority:

a. The member will be provided written notice, which will include his restrictions and the terms of his new assignment, if applicable;

b. Internal Affairs shall collect all the member's issued weapons, badges (breast, pocket, and hat), portable radio, body worn camera (BWC), and JSO identification card;

c. Internal Affairs shall coordinate the issuance of a new JSO identification card that grants the member restricted access to JSO facilities; and

d. By the end of the member's next scheduled working day, the member's lieutenant shall ensure the member's remaining issued equipment, uniforms, and assigned vehicle are collected and returned to the appropriate unit.

3. Members who have had their police or correctional authority suspended shall not, unless otherwise specified by the member's commander or higher authority:

a. Be assigned to an area of direct inmate/suspect contact;

b. Be assigned to a supervisory position;

c. Wear any portion of the uniform that identifies them as a police or corrections officer;

d. Work overtime or secondary employment;

e. Operate a JSO or COJ vehicle; or

f. Possess a firearm while on JSO or COJ property.

4. Upon the Undersheriff determining that a member should receive reinstatement of authority, the Internal Affairs Unit shall facilitate the reinstatement process.

K. **Immediate Suspension without Pay for Extraordinary Situations**

As established in the COJ Civil Service and Personnel Rules and Regulations, in extraordinary situations, a member may be immediately suspended without pay for up to 20 working days.

a. Extraordinary situations include, but are not limited to, those in which the retention of the member could:

(1) Result in damage to property;

(2) Be injurious to the member;

(3) Be injurious to a fellow member;

(4) Be injurious to the general public;

(5) Be detrimental to the interests of the government; or

(6) Substantially impair management's ability to maintain decorum and discipline.

b. Examples of extraordinary situations in which the member can be placed on Immediate Suspension without Pay status include:

(1) Being under the influence of alcohol or drugs on the job;

(2) Use of alcohol or illegal drugs on the job or during the member's workday, including breaks;

(3) Commission of an act which constitutes a felony offense or a misdemeanor involving moral turpitude under Florida or federal law;

(4) Brutality or cruelty to an inmate, another member, or the general public while on duty; or

(5) Flagrant insubordination.

c. When it is believed that an extraordinary situation has occurred, the Internal Affairs Unit shall be notified immediately. Upon gathering all details related to the extraordinary situation, the Internal Affairs Unit shall seek a decision from the Undersheriff or designee regarding the Immediate Suspension without Pay.

d. The Internal Affairs Unit shall complete a Notice of Immediate Suspension without Pay, which includes a detailed statement that explains:

(1) The nature of the extraordinary situation and why the member is being a placed in an Immediate Suspension without Pay status;

(2) Any option the member may have to use personal leave during the Immediate Suspension without Pay, based upon the terms of the member's collective bargaining agreement; and

(3) The member may appeal the decision to the Civil Service Board within five working days of receiving the Notice of Immediate Suspension without Pay.

e. Within three working days of a member being placed on Immediate Suspension without Pay, the Internal Affairs Unit shall provide the completed Notice of Immediate Suspension without Pay to the:

(1) Member who was placed in an Immediate Suspension without Pay status;

(2) COJ Head of Human Resources;

(3) JSO Chief of Human Resources;

(4) Chief of Professional Standards; and

(5) Civil Service Board, who shall reserve a hearing date no later than 20 working days from the beginning of the Immediate Suspension without Pay, in case the member elects to appeal the action.

f. A member who fails to file a timely notice as established in the COJ Civil Service and Personnel Rules and Regulations and/or the applicable collective bargaining agreement waives his right to appeal the Immediate Suspension without Pay.

g. Following an Immediate Suspension without Pay, the Internal Affairs Unit shall conduct the administrative investigation into all allegations of misconduct related to the extraordinary situation, unless the administrative investigation is tolled by JSO for one of the reasons permitted by Florida State Statute (e.g., a criminal case related to the extraordinary situation is still active). This administrative investigation shall be conducted in accordance with the procedures established in this order, including the disciplinary action(s) to be taken if the case results in sustained administrative charges.

h. When police or corrections members are placed in an Immediate Suspension without Pay status, their authority is also suspended and their equipment is collected, in accordance with the provisions established in this order.

L. **Retention of Administrative Investigation Case Files** [FCAC 7.05]

1. In accordance with the State of Florida's General Records Schedule (GS2) for Law Enforcement Agencies and criteria for records retention, administrative case file records shall be retained for the following durations:

a. Cases that resulted in all charges being classified as Unfounded, Exonerated, Not Sustained, or Information Only - One year after final disposition;

b. Cases that resulted in any sustained charge and no more than Step 2 disciplinary action being taken (Written Reprimand Level Two with no enhanced penalties) - Three years after final disposition;

c. Cases that resulted in any sustained charge and Step 3 or Step 4 disciplinary action (suspension, demotion, reduction in pay, or termination) - Five years after final disposition.; and

d. Cases with a complaint that involved the use of physical force by a member - Four years from the date of the incident.

2. Administrative investigation case materials shall be stored in the Internal Affairs Office until purged in accordance with the retention schedule outlined in this order, with the following exceptions, which shall be stored in the principal's division file until being purged:

a. Formal Counseling Forms; and

b. Records from Informal Field Administrative Cases that were initiated by a lieutenant and did not result in the issuance of discipline (a Form P-1711e [Written Reprimand Level One] or higher).



T. K. Waters, Sheriff
Jacksonville Sheriff's Office

References: