

# WEST PALM BEACH POLICE DEPARTMENT

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## IV-22 INTERNAL AFFAIRS FUNCTIONS

**EFFECTIVE: 11/07/2005**

CALEA Standards: 26.1.6, 26.1.8, 35.1.9, 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5  
52.1.6, 52.1.7, 52.1.9, 52.1.10

CFA Standards: 4.09, 4.10, 4.11, 11.05, 11.06, 11.08, 27.01, 27.02, 27.04

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**I. POLICY:** It is the responsibility of the Department to provide a systematic, objective and impartial method of investigating complaints of inappropriate behavior or allegations of misconduct by Department members. The Department has identified the types of incidents that require review and a report by a Command Supervisor (Lieutenant or civilian equivalent) or higher-ranking personnel and the method used for completing the reports. Certain incidents, because of their complexity and/or severity, will be investigated by the Internal Affairs Unit (IAU). This policy defines a procedure for the disposition of internal administrative investigations and the handling of files pertaining to complaints and allegations of misconduct. A Complaint Review Board for disciplinary recommendations arising from internal administrative investigations is established to provide due process to subject members and advisory findings to the Chief of Police. An early warning system (EWS) is established to allow the Department to review the frequency of involvement in complaints and control of person's incidents by Department members.

### **II. DEFINITIONS:**

#### A. Complaints -

1. Any alleged act by a member which is contrary to written rules, regulations, policies, procedures, directives, or orders of the agency.
2. An alleged act or omission which, if substantiated, would constitute a violation of the law.
3. Any allegation which indicates an actual or potential defect in Department rules, regulations, policies, procedures, directives, orders or the delivery of services.

B. Official Complaint - Any complaint made by a civilian or a member of the agency against Department personnel, procedures, or the manner in which services were delivered or in the opinion of the Chief of Police is of such a nature as to warrant notation of the complaint and an investigation. The complainant need not disclose his or her name, address and telephone number.

C. Unofficial Complaint - Complaint of a non criminal nature made by a civilian or a member of the agency where the complainant refuses to identify him or herself and where the supervisor or reviewing authority determines it cannot be followed up or the complaint is clearly not valid.

D. Internal Administrative Investigation - A comprehensive investigation, gathering and securing evidence and facts to discover truth and reach conclusions as to whether a Department member has violated any rules, regulations, policies and/or procedures of the agency.

E. Supervisory Review - A preliminary review undertaken immediately upon receipt of a complaint. Conducted for the thorough gathering and securing of evidence and facts to discover truth and reach conclusions as to the possibility a department member has violated any rules, regulations, policies and/or procedures. The investigating supervisor will make contact with the complainant in order to discuss the incident, and will notify the complainant of the final outcome of the preliminary review. Based upon this review, the Chief of Police will determine the need for further investigation.

F. Exonerated (Proper Conduct) - The allegation is true; the action of the agency or the employee was consistent with agency policy.

G. Substantiated (Improper Conduct) - The allegation is true. The action of the agency or the member was inconsistent with agency policy.

H. Unfounded Complaint - The allegation is either demonstrably false or there is no credible evidence to support it.

I. Unsubstantiated (Insufficient Evidence) - There is insufficient proof to confirm or to refute the allegation.

J. Misconduct Not Based on Original Complaint- Misconduct discovered during internal administrative investigation not associated with original complaint.

### III. INTERNAL AFFAIRS FUNCTION:

A. The Commander of the Internal Affairs Unit will report directly to the Chief of Police.

1. The Internal Affairs Unit Commander, unless otherwise designated by the Chief of Police, will have the authority and responsibility to gain facts through investigative procedures and review to ensure the Department's and its members' integrity is maintained.

B. No member will interfere with an IAU investigation.

C. In all investigations, Department members, whether a subject of the investigation or a witness, will answer all questions honestly, completely and to the best of their ability.

**1. Refusal to answer questions specifically, directly and narrowly related to the performance of his or her official duties or fitness for duty, will result in additional charges of insubordination. Should such charges be substantiated, the member will be terminated.**

**2. Lying by any member to an investigator assigned to conduct an internal investigation will result in additional charges of lying during an internal affairs investigation. Should such charges be substantiated, the member will be terminated.**

D. During any Internal Affairs investigations, all information obtained will be kept confidential. It is a first degree misdemeanor to disclose or permit any Internal Affairs information or document before the proceeding becomes public information, to be disclosed.

E. The procedures for conducting an IAU investigation will be in accordance with those rights and privileges enumerated in Florida Statutes, including 112.532 (Law Enforcement Officer's Rights), any applicable collective bargaining agreement, City of West Palm Beach Civil Service Rules and Regulations, and any other applicable rules, regulations, and/or laws.

F. The United States Supreme Court in the Garrity vs. New Jersey and Gardner vs. Broderick decisions extended to police officers the protection of the privilege against self-incrimination. Statements they are compelled to make by threatened loss of their employment or other disciplinary action may not form the basis of a criminal prosecution against them, nor can they be compelled to waive this privilege. Recognizing legitimate needs for effective and efficient operations of a police department, the court has clearly indicated the privilege against self-incrimination is not a bar to dismissal if a police officer refuses to answer questions specifically, directly and narrowly relating to the performance of his or her official duties, without being required to waive his or her immunity with respect to the use of his or her answers or fruits thereof in a criminal prosecution of himself or herself. In other words, refusal to answer questions intended merely to secure information concerning his or her official activities or continued fitness for office would justify dismissal or other disciplinary action.

G. The IAU will maintain liaison with the State Attorney's Office regarding criminal allegations against Police Department employees.

H. Effective 01/01/01, the IAU will utilize the IA Professional software including historical data converted from the previously existing IAU data base to maintain a detailed data base of pertinent information essential to efficient management oversight and control of:

1. The receipt, processing, and investigation of citizen and internal complaints – 'Citizen Complaint and Inquiry Reports',

2. Firearms discharge incidents - to include less lethal SAGE SL-6 use,
3. Use of force - control of persons reports,
4. K-9 'Bite' Apprehensions - control of persons reports,
5. The receipt, processing, and investigation of citizen and internal complaints – 'Internal Affairs Investigations';
6. The receipt, processing, and investigation of citizen and internal complaints – 'Personnel Complaint Investigations';
7. The receipt, processing, and investigation of citizen and internal complaints – 'Incident Review Investigations';
8. The statistics and alert thresholds established by this policy and used for the identification of those officers who appear on the Early Warning System reports issued biannually by the IAU Commander;
9. The individual officer and civilian member concise history - referred to as 'Internal Affairs History Report', provided on request to comply with public records inspection requests;
10. Final disciplinary actions resulting from complaint investigations, or from routine non-investigative administrative violations by members, i.e. missed court, damaged property incidents – 'Administrative Discipline';
11. Pertinent data from IAU review of Vehicle Pursuit Summary reports after review by the chain of command and Chief of Police;
12. The necessary personal data for each member inclusive of: name, date of birth, gender, race, date of hire, title/rank, identification number, bureau of assignment, division of assignment, unit of assignment;
13. Necessary data for completion of the Mid Year and Annual Report issued by the IAU Commander;
14. Data for biannual reporting by the IAU Commander of complaints of bias based profiling as required by SOP 2.08 (Racial and Ethnic Profiling / Biased Based Policing, effective 11/26/01).

#### **IV. INVESTIGATION OF COMPLAINTS OR ALLEGATIONS OF MISCONDUCT:**

A. All complaints (including anonymous complaints) and allegations of misconduct against the West Palm Beach Police Department and/or its members will be investigated. For the purposes of this procedure both complaints and allegations of misconduct will be referred to as complaints. Complaints can be received in person or by telephone, letter or electronically (i.e., e-mail or fax).

B. Upon notification of a complaint of alleged inappropriate behavior, the member receiving such information will direct the complainant to the accused member's supervisor, if on duty, or the on duty shift commander having the authority of lieutenant or above for the origination of an investigation and documentation of the incident on the Citizen Complaint and Inquiry form (Appendix A).

**1. Complaints which are likely to have a serious adverse impact upon the Police Department will be reported, without delay, through the chain of command to the Chief of Police.**

2. Through completion of the supervisory review, complaints will be resolved through the determination of whether the member clearly followed policy or procedure; whether the substance of the complaint is a court issue (i.e. guilt or innocence on traffic or criminal charges); or whether the complaint is demonstrably false.

3. If a Statement of Complaint is completed and returned, the contents shall be evaluated by the IAU commander in order to determine if any information is provided beyond that which was recorded by the

supervisor who accepted the original complaint. These statements of complaint will be reviewed with the Chief of Police for consideration of further investigative assignment. When an internal administrative investigation is assigned, the IAU commander will mail the complainant a formal 'Receipt of Complaint' (Appendix C) to acknowledge the start of the investigation and identify the assigned investigator.

C. If it is clear the complainant wishes to file a formal complaint, the supervisor documenting the complaint will provide a 'Statement of Complaint Form' (Appendix B) to the complainant for completion. The complainant should have the option to complete the form at the time of receipt, or to submit the form at their leisure. The statement of complaint form has a space at the bottom to allow for notarization, however, the complainant **is not** required to have the form notarized. If the form is completed in the presence of the supervisor, the complainant can be sworn by that supervisor who will then sign as a witness, noting 'sworn', and the date and time at the bottom. If assistance is needed, i.e. handicapped or illiterate, the supervisor addressing the complaint will offer assistance. When detailed statements are necessary at the time of the complaint interview by the receiving supervisor, they will be recorded or documented on a separate page and the Statement of Complaint form will be attached and submitted with all the documents or items.

D. It is the responsibility of the accused members supervisor (lieutenant or above) to conduct a supervisory review on the initial complaint, regardless of the receipt of a Statement of Complaint from the complainant. The results of this supervisory review and the initial 'Citizen Complaint and Inquiry Form' will be routed through the chain of command to the appropriate Bureau Commander for review, then to the IAU commander for final review and data entry / filing.

E. Complaint investigations assigned as an 'Internal Affairs Investigation' by the Chief of Police will be conducted by IAU personnel. These cases will be assigned a case number containing the 'IA' prefix, followed by the year and a sequence series, i.e. 'IA 01-012'. The following complaints will be investigated by the IAU:

1. Use of force involving serious injury,
2. Corruption,
3. Breach of civil rights,
4. Conduct involving moral turpitude,
5. Criminal misconduct - as directed by the Chief of Police,
6. In-custody death (monitor only)
7. Officer involved shooting - control of person's situations (monitor only)
8. Those complaints deemed appropriate by the Chief of Police.

F. Complaint investigations assigned as a 'Personnel Complaint Investigation' by the Chief of Police may be conducted by chain of command supervisors, or IAU investigators. In both cases the IAU Commander will monitor the progress of the investigation and approve the final investigative report for submission to the Chief of Police for a disposition ruling on the allegations and/or administrative charges against the member. These cases will be assigned a case number containing the 'PC' prefix, followed by the year and a sequence series, i.e. 'PC 01-012'.

G. Based on the information developed during a supervisory review of a citizen or employee complaint; or as a result of supervisory enforcement of the rules, regulations, policies and procedures of the department; an 'Incident Review Investigation' can be assigned by a Bureau Commander, the IAU Commander, or the Chief of Police. The assigned investigator will obtain a case number from the IAU Commander. On internally generated policy investigation complaints, the assigned investigator will forward a 'Citizen Complaint and Inquiry Form', to IAU for data entry and file control purposes, this document will also reference the incident review case number assigned by IAU. These cases will be assigned a case number containing the 'IR' prefix, followed by the year and a sequence series, i.e. 'IR 01-012'.

1. All personnel complaint and incident review investigations will be submitted for command approval and final disposition by the Chief of Police in the Internal Administrative Investigation Report format (Appendix D) and will include the 'Personnel Complaint Report' form (Appendix E).
2. Division supervisors who have been assigned to conduct an investigation of a complaint are encouraged to seek advice and/or directions from the IAU.

3. A complaint may consist of one or more allegations. Each allegation must be addressed by the investigating supervisor. Whether or not any allegation is sustained is based upon the standard of a preponderance of evidence. The standard applied to allegations of lying during an internal administrative investigation is that of clear and convincing evidence.

4. The investigation will be completed within thirty (30) days of receiving the complaint. An extension of time for extenuating circumstances may be granted only by the Chief of Police. Any request for extension will be made through the Internal Affairs Unit Commander, who will advise the Chief of Police. When an extension is granted, the assigned investigator will inform his or her chain of command of the extension. The assigned investigator will inform the complainant as to the status of the investigation at least once every thirty days when extensions are granted.

**V. COMPLAINT INTERVIEW PROCESS:**

A. Prior to being questioned, the accused member will be notified they are subject of an internal administrative investigation.

1. A copy of the Citizen Complaint and Inquiry form may be used for this notification.

2. The accused member will be informed of his or her rights and responsibilities relative to the investigation.

B. Upon request, the member will be given a copy of his or her written or tape-recorded statement(s). To obtain a copy of a taped statement, the member must furnish a blank cassette.

C. No member will be ordered to submit to a truth verification test such as a polygraph or CVSA. Such tests may be offered by the Department in any administrative, civil or criminal matter. The results of such tests will be used in accordance with the laws of the State of Florida and the United States. Refusal by the member to submit to such a test will not form a basis for disciplinary action.

D. A member may be required to submit to a medical or laboratory examination at the Department's expense when the examination is specifically directed and narrowly related to a particular internal administrative investigation. Reasonable cause has to exist to make the investigator believe the member is under the influence before requesting the member submit to such testing. Refusal by the member to submit to such a test may form a basis for disciplinary action. Any member has the right to such tests if not offered by the Department.

1. No member will be required to submit to testing for AIDS or HIV.

E. A member may be required to be photographed and/or participate in a lineup when reasonable suspicion exists that he or she was involved in an incident and the complainant is confident that an identification of the suspect member(s) can be made.

1. If the suspect member refuses to be photographed or appear in a lineup, he or she may be compelled to be photographed and/or appear.

2. Refusal to comply could result in disciplinary action up to and including termination.

F. A member may be required to submit a financial disclosure statement when the actions are essential to a particular internal administrative investigation.

1. If the suspect member refuses to disclose financial records, he or she may be compelled to supply the records.

2. Refusal to comply could result in the Department obtaining a subpoena to acquire the records and disciplinary action up to and including termination.

G. Non-criminal investigation only:

1. The member is required to answer questions specifically, directly and narrowly related to the performance of his or her official duties or fitness for duty. Refusal to answer questions during internal affairs investigations will result in additional charges of insubordination. Should such charges be substantiated, the member will be terminated. The member will not be required to waive his or her constitutional rights with respect to criminal prosecution.

H. Criminal investigations only:

1. If a member is under arrest or is likely to be (is a suspect or target of a criminal investigation), the member will be informed of his or her rights in accordance with prevailing legal requirements prior to being interviewed. If a member chooses to invoke any or all of his or her legally protected rights, that member will not be subject to charges of insubordination or failure to cooperate for that reason alone.

I. Except as authorized or required, members will not contact persons involved in an internal administrative investigation or disclose any information regarding the investigation.

**VI. INVESTIGATION REVIEW AND RECOMMENDATION PROCESS:**

A. The completed investigation file on 'Incident Review Investigations' will be routed through the chain of command for approval and recommendation to the Chief of Police on disposition (exonerated, substantiated, unsubstantiated, or unfounded). A recommendation for disciplinary or other remedial action will be routed with the report on a separate memorandum for command approval and final order by the Chief of Police.

B. The completed investigation file on 'Personnel Complaint Investigations' and 'Internal Affairs Investigations' will be routed to the IAU Commander for approval. The file will then be routed to the Chief of Police for disposition (exonerated, substantiated, unsubstantiated, or unfounded). After final disposition by the Chief, the file will be routed to the Bureau Commander of the subject member. The file will be reviewed at the unit and division command level, with each reviewing manager signing and dating the log sheet in the front of the file. A recommendation for disciplinary or other remedial action will be routed with the file on a separate memorandum for approval of the Bureau Assistant Chief, and recommendation to the Chief of Police.

C. Routine Administrative Discipline matters i.e. missed court, damaged property incidents, will be documented on internal memorandums and routed with appropriate support documentation through the chain of command for final disposition by the Chief of Police.

D. The Chief of Police will make a final determination of the disciplinary action against the member. The file will then return to the Division Commander of the affected member through the Bureau Assistant Chief.

E. The 'Notice of Disciplinary Action Form' (Appendix F) will be prepared, signed by the Division Commander of the affected member, and will be served to the member.

1. The Notice of Disciplinary Action Form will state the basis of the complaint and the disciplinary action recommended to the Chief of Police.

2. The member will sign the Notice of Disciplinary Action Form as evidence of receipt.

3. Sworn officers will be informed that, should he or she desire, a letter requesting a Complaint Review Board must be submitted through their Division Commander to the Chief of Police within three (3) days.

a) The actual imposition of the discipline may be suspended until the Complaint Review Board has met and made its recommendations to the Chief of Police.

b) The member may be suspended with or without pay pending the final decision of the Chief of Police.

F. The original document for formal discipline imposed against members is routed to the Staff Services Division after service to the member. A copy of all such disciplinary action will then be routed to the IAU

Commander for entry in the IAU data base. The documentation will be placed in the 'Name File' maintained for the member in the IAU, and will be cross referenced to the appropriate investigation file for purposes of record keeping.

G. The final determination on each allegation and any disciplinary action rests with the Chief of Police. The Final Disposition of the Investigation and the Final Disciplinary Action Taken by the Department sections of the Personnel Complaint Report (Appendix E) will be completed by the Chief of Police.

H. The IAU Commander will ensure the complainant and the subject member(s) are notified in writing of the disposition of all internal administrative investigations.

## **VII. COMPLAINT REVIEW BOARD:**

A. The Complaint Review Board will meet only for those cases involving sworn personnel facing a suspension of more than three (3) days, demotion or dismissal.

B. The Board's finding will be submitted to the Chief of Police as a recommendation. The Board's finding is advisory in nature and will not be binding on the Chief.

C. Organization of the Complaint Review Board:

1. There will be a new Review Board selected each time there is a request from an officer for a hearing.

2. The Complaint Review Board will consist of five (5) members.

a. The following officers are not eligible to serve on the Board:

1.) Any officer who is in the direct chain of command of the affected officer,

2) Any probationary officer,

3) Any officer who has been the subject of a suspension, demotion, or termination in the past two (2) years,

4) Any member who is a witness in the case being presented to the Board,

5) Any member of the Internal Affairs Unit, and

6) Any person who is not a sworn police officer of the West Palm Beach Police Department.

b. The Review Board members will be selected as follows:

c. Upon submitting his or her request for a Complaint Review Board, the affected officer will request a list of the twenty (20) eligible officers from the Internal Affairs Unit. Internal Affairs will have three (3) days after the request to give the list to the affected officer and the Chief of Police or designee.

1) An up-to-date, alphabetical list of sworn members will be maintained by the Secretary to the Chief of Police.

2) The IAU Commander or a designee will start at the top of the list and proceed through the list alphabetically, crossing off officers excluded from serving on the Board, until there is a list of twenty (20) officers eligible to serve on the Board.

3) For any subsequent Review Board hearing, the IAU Commander or a designee will begin with the name of the officer following the last eligible officer for the previous Review Board hearing. The IAU Commander will then proceed through the list alphabetically, crossing off persons excluded from serving on the Board, until there is a list of twenty (20) officers eligible to serve on the Board.

4) When the list has been exhausted, another up-to-date list of sworn members will be obtained and the Internal Affairs Commander will follow the above process for the list of twenty (20) names.

d. The affected officer will have three (3) days after receiving the list to select two (2) Board members from the list and notify Internal Affairs of those selections.

e. The Chief of Police or a designee will have three (3) days after receiving the list to select one Senior Staff member to serve as the Board Chairperson and a second Board member from any eligible officer with the rank of Sergeant or higher.

f. The four (4) selected members will have three (3) days after they are selected to meet and select the fifth member of the Board by a majority vote. The fifth member must be a sworn member and meet the eligibility requirements.

g. In the event the third day of any of the above actions requiring a time limit falls on a weekend or holiday, the selection can be made on the first day following the holiday or the weekend.

D. The Chairperson will set the date, time, and location for the board to convene to consider the case.

1. All board members must be present at the proceedings.
2. Scheduled days off may be changed to accommodate the proceedings of the board.
3. The normal business day for the board members will be 0800 hours to 1700 hours with an hour for lunch and short breaks at the discretion of the chairperson.
4. Business of the board should not exceed one day. If unusual circumstances delay the process, the chairperson may grant additional time.
5. The board hearing will not be recorded unless authorized by the chairperson.

E. The affected member will be notified by the chairperson of a date, time and place of the hearing at least three (3) days prior to the hearing. The affected officer will be responsible for notifying his or her representative and any witnesses on his or her behalf of the date, time and place of the hearing.

1. The affected member may have an attorney present, but the attorney will not be permitted to address the board.
2. Overtime will not be granted to the affected officer, his or her representative, or his or her witnesses appearing before the board.

F. The chairperson will notify the Internal Affairs Unit of the date, time and place of the hearing.

G. An Internal Affairs Unit representative will present the case to the board including reports, letters, taped interviews, photographs, and other evidence. The IAU representative may call witnesses to substantiate the allegation, subject to approval by the chairperson.

1. No copy of any document will be made by anyone other than the Internal Affairs Unit. Because of the confidentiality of such investigation, no person other than board members will be allowed access to this material.
2. All materials will be returned to the Internal Affairs Unit during breaks, lunch and at the end of the day.

H. All questioning of persons appearing before the board will be done by the board members. The affected member or his or her representative may ask the board to make specific inquiries.

I. Subject to approval of the chairperson, the affected officer may call witnesses to speak to the board and/or answer questions on his or her behalf.

1. Prior to rejecting a request to call a witness, the chairperson will consult with and consider the desires of the other board members.
2. The chairperson may call additional witnesses who are reasonably available.

J. When both parties have been heard, the room will be cleared while the board decides on its recommendations.

1. The board will first decide by a majority vote the guilt or innocence of the affected member. The board may, for example:

- a. Sustain some of the charges while finding other charges unfounded,
- b. Find that the original charge was inappropriate but other charges are appropriate,
- c. Conclude the officer did not commit any wrong doing or violate any of the Department's rules, regulations or procedures, or
- d. Sustain all charges against the officer.

2. In a separate action, the board will decide by a majority vote the degree of discipline. During this phase of the hearing, the board may hear additional testimony or review additional records that were not admissible during the first phase of the hearing, such as the affected officer's prior record.

a. In determining the degree of discipline, the board may recommend one or more of the following:

- 1) Oral reprimand,
- 2) Written reprimand,
- 3) Letter of counseling,
- 4) Suspension up to thirty (30) days or any fraction thereof,
- 5) Demotion in rank,
- 6) Termination of employment,

K. The Board will submit a separate letter to the Chief of Police for each of its two findings, or one letter when it is determined there is no grounds for disciplinary action. All board members will sign each letter. In the event a board member disagrees with the majority decision, he or she may write the word "disagree" after his name.

1. In the event the Chief of Police needs to clarify a point contained in the letter from the board, he may reconvene the entire board.

L. Since the function of the Complaint Review Board occurs during the investigative phase of the investigation, the findings and recommendations of the Complaint Review Board are confidential. They are to be revealed only to the Chief of Police. No copies are to be made of the letter(s) from the board except as provided by law.

### **VIII. INTERNAL AFFAIRS RECORDS:**

A. It is the responsibility of the IAU to establish a system of receiving, recording, and filing of all complaints, Control of Persons Reports, discharge of firearms reports, etc., whether investigated by IAU or by the chain of command. Once the investigation is complete, all records will be maintained in a secure area in the Internal Affairs Office under the custody and control of the IAU Commander. At no time will these records be allowed to leave the Internal Affairs Unit unless ordered by the Chief of Police or a court of competent jurisdiction. During the investigation and processing of internal administrative complaints, the confidentiality of these records will be strictly maintained.

B. When a final disposition of any administrative investigation has been rendered by the Chief of Police, the investigation becomes a public record. The investigation will be released in accordance with public records laws and will be made available to any requesting party.

C. Review of public record Internal Affairs files will be done in the Internal Affairs Unit with an Internal Affairs Investigator present unless otherwise directed by the Chief of Police or a court of competent jurisdiction. A record will be made of each review. Copies of Internal Affairs files will be issued only with the approval of the Chief of Police or a designee. A record will be made showing who received the copies.

**IX. EARLY WARNING SYSTEM FOR PERSONNEL COMPLAINTS AND CONTROL OF PERSONS REPORT:**

A. The Internal Affairs Unit will establish a Complaint Record on each member;

1. Who is the subject of a personnel complaint or an Internal Affairs investigation,
2. Who uses lethal or non-lethal force to control persons,
3. Who discharges a firearm in the line of duty (other than training), and/or
4. Canine officer who recorded a dog bite.

B. EWS I Report - Personnel Complaints:

1. The Complaint Record for each member will be reviewed semiannually (January 1 and July 1).
2. A report listing all members with five (5) or more incidents for the previous two (2) years will be prepared.
3. The EWS I Report will be presented in three (3) parts:
  - a. Statistical Summary;
  - b. A table listing each member with five (5) or more complaints in the previous two year period broken down into six month periods ; and
  - c. A list of the complaints and findings for the previous two (2) years on each member identified on the current EWS I Report.

C. EWS II Report - Control of Persons:

1. The Control of Persons Record for each member will be reviewed semiannually (January 1 and July 1).
2. A report listing each member involved in five (5) or more control of persons incidents (excluding dog bites and discharge of firearms incidents) will be prepared.
3. The EWS II Report will be presented in two parts:
  - a. Statistical Summary; and
  - b. A table listing the officers with five (5) or more Control of Persons Reports during the previous twelve (12) months, the career totals, and the number of times he or she has appeared on EWS II Reports.

D. EWS III Report - Dog Bites:

1. The Dog Bite Record of each canine officer will be reviewed semiannually (January 1 and July 1).

2. A report will be prepared listing each canine officer and the number of dog bites per six month period for the previous two (2) years.

E. EWS IV Report - Discharge of Firearms:

1. The Discharge of Firearms Record for each officer will be reviewed annually (January 1).
2. A list of all officers with three or more discharge of firearms incidents within the previous five (5) years will be prepared. The list will show the number of incidents.

F. Distribution and disposition:

1. EWS I, II, III and IV reports will be included in the Internal Affairs Mid Year Report, and the Internal Affairs Annual Report compiled by the IAU Commander. These reports will be issued to all sworn supervisors above the rank of Lieutenant, the Public Information Officer, members of the Training Division Staff, and Dispatch Operations Management, appropriate City Staff or others as directed by the Chief of Police. These reports are also public records under Florida Statute. The signed distribution log will be maintained in the IAU files.

a. Lieutenants may notify Sergeants who supervise members who appear on the report so they can monitor said member.

2. Each Division Commander will ensure each member appearing on the EWS report is counseled and/or training is requested, when appropriate.

3. Prior to counseling or requesting training, Division Commanders and/or supervisors may want to review the Internal Affairs files.

4. Supervisors of members appearing on the EWS Report will generate a written record of their review of the members use of force and complaint history, any other pertinent information, and the results of their counseling session with the member. This record should also include any training requested, or other actions taken in response to the members appearance on the EWS Report. The written record will be forwarded to the IAU Commander.

a. A professional police agency has a responsibility to its community and police employees to demonstrate a positive approach to identifying and assisting a police employee whose performance indicates a possibility of job stress or other adverse job-related problems. These symptoms may be exhibited by:

- 1) Field performance by the employee which tends to indicate a propensity to use unnecessary or unreasonable force,
- 2) Personal techniques or habits which tend to exacerbate field contacts or arrest situations,
- 3) Over aggressiveness which causes unnecessary injuries or equipment abuse.

b. This Early Warning System is designed to assist supervisors in identifying these employees at an early stage. Some remedial sources available to the supervisor are:

- 1) Supervisory counseling,
- 2) Supervised observation periods in the field,
- 3) Peer counseling,
- 4) Remedial training,
- 5) Psychological services / substance abuse resources - EAP,
- 6) Temporary assignment change.

G. EWS Files:

1. The Internal Affairs Unit will maintain complete EWS files.

2. All EWS Reports will be released in accordance with public records laws and will be made available to any requesting party.
3. Supervisors and individual members may review name files and EWS records by making an appointment with the Internal Affairs Commander.
4. The Internal Affairs Commander will conduct an annual evaluation of the EWS. These results will be included in the Internal Affairs Annual Report.

**X. REFERENCE:**

- SOP # I-4 Racial and Ethnic Profiling/Biased Based Policing.
- SOP # I-9 Disciplinary Procedures.
- SOP # I-10 Grievance Procedures.
- SOP # II-5 Random Drug Testing
- SOP # II-6 Employee Assistance Program.
- SOP # II-13 Public Information.
- SOP # III-13 Use of Force.
- SOP # III-15 Aerosol Subject Restraint.
- SOP # IV-5 Investigation of Critical Incidents.
- SOP # IV-23 Computer Voice Stress Analysis (CVSA)
- F.S.S. 112.532 Law Enforcement Officer's Rights.
- F.S.S. 112.533 Receipt and Processing of Complaints.

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**Delsa R. Bush, Chief of Police**

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Revised: 11/07/2005  
I.D. # 1160

History: SOP # changed to IV-22 on 01/01/2005, SOP # changed to 27.01 on 01/15/2002  
Old SOP # 6.100.004 (I.A. Function) issued 08/21/87, 6.210.010 (also I.A. Function) issued 10/21/89. 6.210.034 Early Warning System for Personnel Complaints, Control of Person(s) Reports, and Personnel Actions Requiring Review by a Supervisor 6.210.008 (Complaint Review Board) 6.210.009 issued 05/31/88 are combined into this policy  
Revision Dates: 01/02/97, 01/01/2001, 01/15/2002, 01/01/2005, 11/07/2005

Job Title Task Files: Assistant Chief, Bureau Commanders, Range Master, Shift Commander, Supervisors,

Appendix A

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**WEST PALM BEACH POLICE  
DEPARTMENT  
CITIZEN COMPLAINT AND INQUIRY**

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Name of Complainant: \_\_\_\_\_

Contact Information: Address: \_\_\_\_\_

Phone Numbers: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Pager: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Case Number: \_\_\_\_\_

(If applicable)  
Name of Involved Employee(s) and ID #: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Receiving Initial Information: \_\_\_\_\_ ID#: \_\_\_\_\_  
(Print Name)

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Summary of Incident:**

*Disposition of Complaint or Inquiry*

- Court Issue
- Resolved with Citizen and /or No further Action Deemed Necessary
- Formal Complaint     Statement of Complaint mailed off     Statement of Complaint hand delivered

**Investigative Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Complainant (white copy) - IAU (Yellow copy) - Supervisor (pink copy)

Appendix B

WEST PALM BEACH POLICE DEPARTMENT  
STATEMENT OF COMPLAINT

COMPLAINT NUMBER: \_\_\_\_\_

I, \_\_\_\_\_, SOLEMNLY SWEAR THAT THE BELOW STATED INFORMATION IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.

DATE OF INCIDENT: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION OF INCIDENT: \_\_\_\_\_

NAME OF ACCUSED EMPLOYEE: \_\_\_\_\_

WHAT DID THE EMPLOYEE DO THAT WAS IMPROPER?  
(HANDWRITTEN OR TYPED, USE ADDITIONAL BLANK PAPER IF NECESSARY)

I HAVE READ THE ABOVE AND SWEAR THAT IT IS TRUE.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

WITNESS: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

WEST PALM BEACH POLICE DEPARTMENT

STATEMENT OF COMPLAINT  
(CONTINUATION)

COMPLAINT NUMBER: \_\_\_\_\_

PAGE  
\_\_\_\_ OF \_\_\_\_

Appendix C  
**City of West Palm Beach  
Police Department**

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Internal Affairs Unit  
Support Services Bureau  
600 Banyan Blvd.  
West Palm Beach, Florida 33401  
phone: 561-653-3417  
fax: 561-653-2823

**RECEIPT FOR COMPLAINT**

Case #

Date:

Name

Address

City, State, Zip Code

Dear,

This is to acknowledge receipt of your complaint against Officer John Doe ID# 000 resulting from an incident on (provide date).

We anticipate that the investigation will be completed within thirty (30) days from the date of receipt; however, the entire administrative process, from initial receipt of a complaint to final disposition takes approximately sixty (60) days. You will be notified by letter as to the disposition of the complaint.

Thank you for bringing this matter to our attention. You will be notified when this investigation is complete.

Sincerely,

Internal Affairs Commander

**Appendix D  
PERSONNEL COMPLAINT INVESTIGATIVE REPORT FORMAT**

**PERSONNEL COMPLAINT  
INVESTIGATIVE REPORT**

**CASE #: PC or IA**

**COMPLAINANT(S):**

(Name, Race, Sex, DOB, Address - for non department persons)  
(Rank, Name, ID number, Division - for department members)

**VICTIM(S):**

(If different from the complainant)

**SUBJECT EMPLOYEE(S):**

(rank, name, ID number, current division of assignment)

**ALLEGATION(S):**

Based on original complaint

- Enumerate each allegation as follows:
  1. 1st allegation
  2. 2nd allegation etc.
- Include which officer the allegation is against if there is more than one officer as well as the date, time and place of the incident.
- Discovered during the investigation (same as above)

**STATEMENT OF FACTS:**

In narrative form summarize all investigative procedures followed. As a minimum every effort should be made to interview the complainant(s), victim(s), witnesses, and accused employee(s). Refer to any attached reports by the accused officer(s) or other police personnel. Oral or taped recorded statements should be summarized in the next section. Do not include summarized statements in this section.

**SUMMARY OF STATEMENTS:**

Include a summary of all statements from complainant(s), victim(s), witnesses, and accused employee(s). Refer to attached transcripts in lieu of summary when transcripts have been made. This section and the section above must include the facts to support the conclusions.

**CONCLUSIONS:**

This should be conclusions of the investigator(s). Conclusions must be supported by the evidence and address the allegations. A conclusion is different than an opinion in that an opinion is not necessarily supported by the evidence.

\_\_\_\_\_  
**(INVESTIGATOR)**  
**Rank, Name, Position or Assignment**

\_\_\_\_\_  
**Date**

Appendix E

West Palm Beach Police Department  
Personnel Complaint Report

Case No:

Date of Complaint: \_\_\_\_\_ Time Received: \_\_\_\_\_

How Received: In Person \_\_\_\_\_ By Phone \_\_\_\_\_ By Letter \_\_\_\_\_ Internal \_\_\_\_\_ Other \_\_\_\_\_

Complainants Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Authorizing Investigation: Chief of Police, Delsa R. Bush, West Palm Beach Police Department

Date / Time of Incident:	Location of Incident:
--------------------------	-----------------------

Officer (s) Involved:	Assignment at Time of Incident:

Supervisor(s) on Duty at Time of Incident:
--

Witness Information: Please refer to narrative of Investigative Report

Allegation(s):

Supervisor Taking Complaint:	Investigator Assigned:

FINAL DISPOSITION OF INVESTIGATION

<input type="checkbox"/>	Exonerated Regarding
<input type="checkbox"/>	Unsubstantiated Regarding
<input type="checkbox"/>	Unfounded Regarding
<input type="checkbox"/>	Substantiated Regarding

\_\_\_\_\_  
Signature of Approving Authority                      Date

FINAL DISCIPLINARY ACTION TAKEN BY DEPARTMENT

Termination	Demotion	Transfer	Verbal Reprimand
Resignation	Suspension / # of Hours:	Written Reprimand	No Action

\_\_\_\_\_  
Signature of Approving Authority                      Date

Appendix F

CITY OF WEST PALM BEACH FLORIDA  
EMPLOYEE RELATIONS DEPARTMENT  
#5106

DISCIPLINARY ACTION

EMPLOYEE	CLASSIFICATION	
_____	_____	
DEPARTMENT	DATE	SOCIAL SECURITY NO.
_____	_____	_____

You are hereby notified of disciplinary action as specified:

_____	Written Reprimand	_____	Reduction in Class From:	_____
_____	Suspension/# Work Hours	_____	To:	_____
_____	Reduction in Pay From:	_____	Removal	_____
_____	To:	_____		

**CHARGES and SPECIFICATIONS:**

**NOTE:** Specify the reasons for disciplinary action. Refer to sections of the Civil Service Rules and Regulations violated. Charges should be in the language specified in the Civil Service Rules and Regulations.

This becomes effective on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
**You may appeal a suspension, removal, or reduction in class/pay to the Civil Service Board within 10 days of receipt of this notice.**

<p style="text-align: center;"><b>NOTICESERVED UPON EMPLOYEE AS FOLLOWS:</b></p> <p>By Mail _____ <input type="checkbox"/> Personally _____ <input type="checkbox"/></p> <p>This _____ day of _____</p> <p>20 _____ at _____ o'clock _____ M.</p>	<p>Department Director _____</p>
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Appendix G
West Palm Beach Police Department
Control of Persons Check List

Date of Incident: \_\_\_\_\_ Incident Involved: dog bite \_\_\_\_\_ firearm \_\_\_\_\_ other \_\_\_\_\_

1. Name and ID # of officer(s) who were DIRECTLY involved in any of the below listed control measures:

Table with 2 columns and 2 rows for officer names and IDs.

2. WPBPD Case Number: \_\_\_\_\_

3. Subject Involved (make separate check list for each subject)

Name: \_\_\_\_\_ Sex: \_\_\_\_\_ Race \_\_\_\_\_ DOB \_\_\_\_\_

Subject's Physical Behavior AT TIME OF INTERVIEW: Normal / Rational Behavior: \_\_\_\_\_
Possible use of/or Under Influence of Drugs and /or Alcohol: \_\_\_\_\_ Possible Mental Illness: \_\_\_\_\_
Other: \_\_\_\_\_

Subject's attitude / demeanor AT TIME OF INTERVIEW: Polite: \_\_\_ Cooperative: \_\_\_ Apologetic: \_\_\_
Violent: \_\_\_ Combative: \_\_\_ Threatening: \_\_\_ Obscene / Vulgar: \_\_\_ Other: \_\_\_\_\_

4. Did this incident involve any of the following:

(Mark Items Where Appropriate)

Arrest charge: \_\_\_\_\_ Resisting Arrest \_\_\_\_\_ Assault or Battery LEO \_\_\_\_\_ Escape/Attempt from Custody

Injuries: \_\_\_\_\_ Observable Injury Subject \_\_\_\_\_ Complaint of Injury Only \_\_\_\_\_ Injury to Officer(s)

Canine Usage: \_\_\_\_\_ Physical (Bite) Apprehension (Photos required, if unavailable explain in comments.)

Discharge of Firearms: \_\_\_\_\_ Contact \_\_\_\_\_ Non-Contact \_\_\_\_\_ Animal \_\_\_\_\_ Unintentional

Description of firearm: \_\_\_ Handgun \_\_\_ Rifle \_\_\_ Shotgun \_\_\_ SAGE (Less Lethal System)

Make: \_\_\_\_\_ Caliber: \_\_\_\_\_ Model: \_\_\_\_\_ Serial #: \_\_\_\_\_ PIN#: \_\_\_\_\_

YES NO Was the Critical Incident Team notified?

YES NO Was Internal Affairs notified? If not, why not? \_\_\_\_\_

5. Name All Witnesses:

YES NO Are the names of all witnesses in the Department Incident Case Report?

6. All officers involved must complete a supplement report:

YES NO Have all involved officers completed supplements? Attach ALL reports.

7. Injuries: Injuries are to be fully described in the offense report.

Subject: \_\_\_\_\_ Required Hospital Treatment \_\_\_\_\_ First Aid Only \_\_\_\_\_ Admitted to Hospital

Officer: \_\_\_\_\_ Required Hospital Treatment \_\_\_\_\_ First Aid Only \_\_\_\_\_ Admitted to Hospital
First report of injury is to be completed.

8. Violations of Department Guidelines:

YES NO Did the supervisor detect any violation of department guidelines? If yes, address details in memorandum format and attach.

9. Service Type: What Was the Primary Service Activity of the Officer at Time of Incident?

(Mark ONE Service Type Best Describing What Lead To a Force Application)

- Baker Act                       Domestic Violence                       Effecting Arrest
- Escape from Custody                       Field Interview Contact                       Fleeing Officer on Foot
- In-Custody Injury                       Prisoner Transport                       Recover Runaway
- Stopping Fight                       Truant Contact                       Unwanted Guest
- Vehicle Pursuit                       Vehicle Stop

10. Resistance Type: Actions Exhibited By The Subject Leading To Officer's Countermeasures

(Mark APPLICABLE Behavior(s) or Action(s) of Subject )

- Armed Assault                       Assault Officer                       Att. Disarm Officer
- Batter Officer                       Complaint of Injury                       Damage Police Vehicle
- Escape Custody                       Fled on Foot                       Non-Compliance Verbal
- Physical Resistance                       Resistive Tension                       Other: \_\_\_\_\_

11. Subject Interview With Shift Commander: Describe subject's statement provided during your interview. Why did the subject take the course of action he/she did? What were they thinking, trying to achieve?

12. Comments: If additional comments are necessary, indicate the pertinent number from above and make comments on a separate page if needed.

\_\_\_\_\_  
Signature of Shift Commander

\_\_\_\_\_  
Review Date

\_\_\_\_\_  
Signature of Division Commander

\_\_\_\_\_  
Review Date

\_\_\_\_\_  
Signature of Bureau Commander

\_\_\_\_\_  
Review Date

\_\_\_\_\_  
Signature of Internal Affairs Unit Commander

\_\_\_\_\_  
Review Date

**APPENDIX H**  
**City of West Palm Beach**  
**Memorandum**  
Police Department

Internal Affairs Unit

To:

From:

Subject: Internal Affairs Investigation Case Number:

Date:

The below named employee, a member of your section or command, is considered a xxxxxxxx to an investigation presently pending before the Internal Affairs Unit. This employee has already received a formal notice of their status in this investigation.

Name:

ID#:

Unit/Section:

Pursuant to the Police Department's Standard Operating Procedure IV-22 and Civil Service Rule XII Section 3: (a) paragraph 21, you are requested to make the above named employee available, and present him/her for questioning in the West Palm Beach Police Department Internal Affairs Unit office on the date and time specified below.

Interview Date:

Time:

**APPENDIX I  
CITIZEN / WITNESS STATEMENT**

This is case No. I.A./ P.C. \_\_\_\_\_. The date is \_\_\_\_\_. The time is \_\_\_\_\_.

I am \_\_\_\_\_ for the W P B Police Department.  
(Rank, Name, Title and Assignment )

The location of this interview is: \_\_\_\_\_

Also present during this interview is: \_\_\_\_\_  
( All persons present should be identified at this point )

You are being questioned as a **WITNESS** an official investigation.  
A complaint has been made against: \_\_\_\_\_

by \_\_\_\_\_ alleging / or to determine if \_\_\_\_\_

\_\_\_\_\_

The function of an internal administrative investigation is to determine the fact of a complaint and present these facts to the Chief of Police for disposition.

The purpose of this investigation is to determine if any department personnel have committed violations of statutes, ordinances, departmental rules or directives.

This interview is being tape recorded.

(F.S.S. 117.10) Do you solemnly swear that the statement and information you are about to give is the truth to the best of your knowledge?

Please state your:Name / Address  
Phone Number / or Contact Phone number  
Pager / Beeper

**BODY OF STATEMENT**

Closing Remarks:

1. Is there anything that I have failed to ask you that you would like to add to this statement?
2. Did you understand all the questions asked and terminology used during the course of this interview?
3. Has everything you said here been the truth to the best of your knowledge?

At this time I'll conclude the interview, the time is : \_\_\_\_\_.

APPENDIX J
ADMINISTRATIVE INVESTIGATION
NON-SWORN SUBJECT EMPLOYEE STATEMENT

This is case No. I.A./P.C. The date is The time is:
The location of this interview is:
I am for the West Palm Beach Police Department.
(Rank, Name, Title and Assignment )

THIS IS AN INTERNAL ADMINISTRATIVE INVESTIGATION. IT IS NOT A CRIMINAL INVESTIGATION. You are being questioned as a SUBJECT EMPLOYEE in an official investigation. A complaint has been made against you by alleging / or to determine if

You will be asked questions specifically, directly and narrowly related to the performance of your official duties or continued fitness for office. You are hereby ordered to answer ALL questions honestly, completely and to the best of your ability in accordance with Standard Operating Procedure IV-22. YOU ARE REQUIRED TO GIVE A STATEMENT FOR ADMINISTRATIVE PURPOSES. REFUSAL TO ANSWER QUESTIONS WILL RESULT IN YOUR TERMINATION.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the State of Florida and the Constitution of the United States, including the right not to be compelled to incriminate yourself. Therefore, if the scope of this inquiry involves criminal activity, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings except perjury or obstruction of justice. These statements, however, may be used against you in relation to subsequent departmental charges.

This statement is being tape recorded. You are entitled to have a representative or attorney of your choice present during questioning. Do you wish to have a representative? Please state the name of your representative. (All persons present should be identified.).

No employee shall, in any manner, interfere with an internal investigation. Except as authorized or required, an employee shall not contact persons involved in an internal affairs investigation. It is the policy of the West Palm Beach Police Department that no information relating to any complaint filed will be discussed with anyone other than the designated department personnel investigating the allegations, labor representatives involved, or an attorney.

Do you have any questions concerning what I have just explained to you? Please raise your right hand, Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth? Please state your name, identification number and current assignment.

BODY OF STATEMENT
Closing Remarks:

- 1. Is there anything that I have failed to ask you that you would like to add to this statement?
2. Did you understand all the questions asked and terminology used during the course of this interview?
3. Has everything you said here been the truth to the best of your knowledge?

At this time I'll conclude the interview, the time is:

**APPENDIX K**  
**City of West Palm Beach**  
**Memorandum**  
**Police Department**

Internal Affairs Unit

To: Officer ID #

From: Internal Affairs Commander

Date:

Subject: Internal Affairs Investigation Case Number:

You are considered a subject to an investigation presently pending before the Internal Affairs Unit. A complaint received from \_\_\_\_\_ alleges misconduct on \_\_\_\_\_ during your participation in \_\_\_\_\_. An internal administrative investigation is being conducted to determine if any violations of department rules and regulations and/or policies and procedures did occur.

You are hereby ordered to fully cooperate with this investigation, to appear when so directed, to answer all questions fully and truthfully, and to present all information and/or evidence relevant to this inquiry when requested. Further I am ordering you not to discuss any facet of this investigation with anyone other than your union representative, attorney, or the investigators assigned to conduct this investigation. This order shall remain in effect for the term of the investigation until such time as a final disposition is determined by the Chief of Police.

You will be notified of the outcome of the investigation and action to be taken, if any.

\_\_\_\_\_  
Internal Affairs Unit Commander

I have received this notice of inquiry on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ hours and have read, understand and agree to comply with the order contained herein.

\_\_\_\_\_  
Employee Signature

APPENDIX L
ADMINISTRATIVE INVESTIGATION
SWORN SUBJECT EMPLOYEE STATEMENT

This is case No. I.A./P.C. \_\_\_\_\_. The date is: \_\_\_\_\_. The time is: \_\_\_\_\_ The location of this interview is: \_\_\_\_\_.

I am \_\_\_\_\_ for the West Palm Beach Police Department. (Rank, Name, Title and Assignment )

THIS IS AN INTERNAL ADMINISTRATIVE INVESTIGATION. IT IS NOT A CRIMINAL INVESTIGATION. You are being questioned as a SUBJECT EMPLOYEE in an official investigation.

A complaint has been made against you by \_\_\_\_\_ alleging / or to determine if \_\_\_\_\_.

You will be asked questions specifically, directly and narrowly related to the performance of your official duties or continued fitness for office. You are hereby ordered to answer ALL questions honestly, completely and to the best of your ability in accordance with Standard Operating Procedure IV-22. YOU ARE REQUIRED TO GIVE A STATEMENT FOR ADMINISTRATIVE PURPOSES. REFUSAL TO ANSWER QUESTIONS WILL RESULT IN YOUR TERMINATION.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the State of Florida and the Constitution of the United States, including the right not to be compelled to incriminate yourself. Therefore, if the scope of this inquiry involves criminal activity, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings except perjury or obstruction of justice. These statements, however, may be used against you in relation to subsequent departmental charges.

This statement is being tape recorded under the guidelines of the Police Officer's Bill of Rights. You are entitled to have a representative or attorney of your choice present during questioning. Do you wish to have a representative? Please state the name of your representative. (All persons present should be identified at this point.)

No employee shall, in any manner, interfere with an internal investigation. Except as authorized or required, an employee shall not contact persons involved in an internal affairs investigation. It is the policy of the West Palm Beach Police Department that no information relating to any complaint filed will be discussed with anyone other than the designated department personnel investigating the allegations, labor representatives involved, or your attorney.

Do you have any questions concerning what I have just explained to you? Please raise your right hand, Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth? Please state your name, identification number and current assignment.

BODY OF STATEMENT

Closing Remarks:

- 1. Is there anything that I have failed to ask you that you would like to add to this statement?
2. Did you understand all the questions asked and terminology used during the course of this interview?
3. Has everything you said here been the truth to the best of your knowledge?
4. At this time I'll conclude the interview, the time is: \_\_\_\_\_.

APPENDIX M
EMPLOYEE WITNESS STATEMENT

This is case No. I.A./ P.C. \_\_\_\_\_. The date is \_\_\_\_\_. The time is \_\_\_\_\_.
I am \_\_\_\_\_ for the WPB Police Department.
(Rank, Name, Title and Assignment)

The location of this interview is: \_\_\_\_\_.

Also present during this interview is: \_\_\_\_\_.
(All persons present should be identified at this point.)

You are being questioned as a WITNESS an official investigation.

A complaint has been made against: \_\_\_\_\_
by \_\_\_\_\_alleging / or to determine if \_\_\_\_\_.

It is this department's policy that employees shall answer questions or render material and relevant statements to the designated departmental authority when so directed. Employees shall answer all questions honestly, completely, and to the best of their ability. No employee shall, in any manner, interfere with an internal investigation. Except as authorized or required, an employee shall not contact persons involved in an internal investigation. It is the policy of the West Palm Beach Police Department that no information relating to any complaint filed will be discussed with anyone other than the designated department personnel investigating the allegations, labor representatives involved, or an attorney.

Do you understand this? \_\_\_\_\_

Please raise your right hand, Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

Please state your name, identification number and current assignment.

BODY OF STATEMENT

Closing Remarks:

- 1. Is there anything that I have failed to ask you that you would like to add to this statement?
2. Did you understand all the questions asked and terminology used during the course of this interview?
3. Has everything you said here been the truth to the best of your knowledge?

At this time I'll conclude the interview, the time is: \_\_\_\_\_.