

**Q. What is the function of the Internal Affairs Complaint Investigation process used by the Golden Beach Police Department?**

A. The Internal Affairs Complaint Investigation process receives and reviews complaints and supervises and controls investigations regarding Golden Beach Police employees. The function is also tasked with ensuring that misconduct allegations made against employees are thoroughly investigated while maintaining objectivity by gathering all pertinent information in a professional and independent manner and not making recommendations regarding dispositions of investigations conducted.

**Q. How will the complaint be investigated?**

A. When a complaint is received, it is classified and assigned either to the affected employee's immediate supervisor or to a designated Internal Affairs Investigator. **Sworn, recorded statements** are taken from the complainant, witnesses, and the subject employee(s). Statements are usually taken at Town Hall but can be performed elsewhere. All complaints are investigated.

**Q. How are the investigations resolved?**

A. All infractions are referred to Golden Beach's Police Command Staff for recommendations. The Police Chief, after reviewing the supervisory staff's recommendation then forwards the matter to the Town Manager for review and then submission to the Town Mayor, if disciplinary action is recommended. The Miami-Dade (Eleventh Circuit) State's Attorney's Office reviews any complaint where an employee may be involved in violation of state law(s). Violations of federal law(s) are referred to the appropriate federal agency.

**Q. Are all complaints investigated?**

A. Yes, all complaints against employees are investigated provided the complaint contains sufficient factual data to warrant an investigation.

**Q. How long will it take to resolve my complaint?**

A. Typically, a complaint is resolved within 60 days, although some investigations are more complex and may take longer. Complaints may be sustained, not sustained, unfounded or exonerated as defined below.

**NOT SUSTAINED** – The investigation was unable to identify sufficient evidence to prove or disprove the allegation made in the complaint.

**UNFOUNDED:**

**Not Involved** – The investigation determined that the named employee was not involved in the alleged incident. **False** – The allegation is false. The alleged incident never occurred.

**EXONERATED** – The actions that provided the basis for the complaint or allegations did occur. However, the investigation revealed that they were justified, lawful and proper.

When a complaint against an employee is sustained, the Chief of Police recommends corrective and/or disciplinary action to the Town Manager who reviews the complaint findings and then recommendations and then concurs or modifies the recommendation and forwards it to the Town Mayor. This action can range from re-medial training to discipline action up to and including termination.

There are five types of disciplinary action which can be recommended for a sustained complaint:

**Verbal Admonishment** - Administered by any supervisor in the chain-of-command of the employee after documentation on the Verbal Admonishment form and approved by the Town Mayor.

**Written Reprimand** - The Town Mayor may issue a Written Reprimand to the employee which becomes a permanent part of the employee's personnel file.

**Suspension without Pay** - The Town Mayor may suspend the employee without pay for one or more days. The employee has the right to appeal a Suspension, Demotion, or Termination to the Town's three member Personnel Appeals Board (PAB). Police Officers and Sergeants can appeal the PAB decision to an Arbitrator.

**Demotion** - The Town Mayor may demote in rank an employee holding a supervisory position.

**Dismissal** - The Town Mayor may terminate an individual as a Town employee.

**Q. Does the Golden Beach Police Department attempt to identify employees who may be prone to committing an act of misconduct before it occurs?**

A. Yes. The Golden Beach Police Department uses an "early warning process" designed to identify employees who may be on the verge of committing an act of misconduct. The process identifies employees who display a pattern of pre-determined

behavioral indicators. These employees may be referred to an Employee Assistance Program (EAP).

**Filing a Complaint**

**Q. How do I file a complaint against an employee of the Golden Beach Police Department?**

A. Complaints may be filed in a number of ways. Usually, an on duty supervisor is dispatched to the Police Substation or Town Hall to immediately determine the severity and the time sensitivity of the complaint. The entire Police Supervisory staff is immediately made aware of the complaint. Based upon the Police Captain and/or Police Chief assessment, the complaint shall be assigned to the appropriate entity or person for investigation.

Complainants who wish to speak directly to a Police Supervisor or who wish to simply complete the attached complaint form and submit it to any police supervisor may do so.

Complaints may be filed in person at the Golden Beach Town Hall, 1 Golden Beach Drive, Golden Beach, Florida 33160 or by telephone (305) 932-0744. Office hours are Monday - Friday, 9:00 a.m. to 5:00 p.m. During non-business hours, complaints may be directed to the Police Substation or any on-duty Golden Beach Police Department supervisor. Persons who knowingly make a false complaint may be subject to criminal prosecution and/or civil action.

**Q. What rights do employees have if a complaint is made against them?**

A. Under Florida State Statute 112.533, Police Officers have the right to review all complaints and witness statements immediately prior to their interview. Employee investigations remain confidential until finalized. No participant including complainants, investigated employees, investigators or witnesses will disclose any information regarding the investigation until the investigation's conclusion. Employees have the right to representation while giving a formal statement. Employees will not be discharged, disciplined, demoted, denied promotion, transferred, re-assigned or otherwise discriminated against concerning their employment or threatened with any such treatment by reason of their exercise of rights.

Employees will be protected against false allegations of misconduct by the Town consistently conducting thorough, fair and objective investigations.

**SUSTAINED** – The investigation identified sufficient evidence to clearly prove the allegation made in the complaint.



