

STANDARD OPERATING PROCEDURES



CHIEF OF POLICE DIVISION

INTERNAL AFFAIRS SECTION
(IA)

Internal Affairs Section



Standard Operating Procedures

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
ENDORSEMENT SHEET

First Quarter Inspection:	_____	_____
	Section Commander	Date
Second Quarter Inspection:	_____	_____
	Section Commander	Date
Third Quarter Inspection:	_____	_____
	Section Commander	Date
Fourth Quarter Inspection:	<u>MAJ JC</u>	<u>11-27-17</u>
	Section Commander	Date
Annual Inspection:	<u>MAJ JC</u>	<u>11-27-17</u>
	Section Commander	Date

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
MASTER INDEX

<u>SUBJECT</u>	<u>TAB</u>
M.P.D. BADGE, COVER SHEET	
ENDORSEMENT SHEET	I
MASTER INDEX	INDEX
LETTER OF PROMULGATION	A
ORGANIZATIONAL CHART	B
MISSION, GOALS AND OBJECTIVES	C
DUTY HOURS AND DRESS	D
DUTIES AND RESPONSIBILITIES OF MEMBERS	E
POLICIES	F
INTERNAL AFFAIRS COMPLAINT RECEPTION	SOP 1
Annex #1 Internal Affairs Complaint Form (R.F. 121)	
Annex #2 Citizen Complaint Against Police Employee (R.F. 2017-5)	
Annex #3 The Complaint Investigation Process (R.F. 2017-9)	
Annex #4 Initial Letter to Complainant	
IAPRO DATA ENTRY	SOP 2
INTERNAL AFFAIRS INVESTIGATION PROCESS & SUMMARY REPORT	SOP 3
Annex #1 Chronological Investigative Notes (R.F. 2017-6)	
Annex #2 Notice of Receipt of Complaint Letter (R.F. 2017-12)	
Annex #3 Status Report Letter (R.F. 2017-13)	
Annex #4 Notification of Disposition Letter (R.F. 2017-14)	
Annex #5 Law Enforcement Officer's Bill of Rights	

- 2 -

MASTER INDEX

(Continuation)

Annex #6 Garrity Statement (R.F. 2017-16)	
INTERNAL AFFAIRS SECTION LOGS AND FILING SYSTEM	SOP 4
Annex #1 Employee Internal Affairs (IA) Profile	
Annex #2 Complaint Log	
Annex #3 Response to Resistance Log	
Annex #4 Visitors Log	
Annex #5 Relieved of Duty Log	
Annex #6 Discharge of Firearms Log	
Annex #7 MPD Tickler System	
CASE STATUS REVIEW	SOP 5
Annex #1 Public Records Exemptions per FSS 119	
RESPONSE TO RESISTANCE REPORTS (RF #186)	SOP 6
INTERNAL AFFAIRS SECTION DISCHARGE OF FIREARMS	SOP 7
INCIDENT TRACKING SYSTEM (ITS)	SOP 8
PROCEDURES FOR RELIEVING OF DUTY	SOP 9
Annex #1 Relieved of Duty (at home) Memorandum	
Annex #2 Relieved/Reassigned Memorandum	
Annex #3 Administratively Reassigned Memorandum	
Annex #4 Relieved of Duty Equipment Inventory Form	
Annex #5 Memorandum to Chief of Police	
SEPARATION OF SERVICE, DECERTIFICATION & VIOLATIONS OF MORAL CHARACTER (F.D.L.E)	SOP 10
Annex #1 CJSTC Form 61	
Annex #2 CJSTC Form 78	
PUBLIC AND ANTI-CORRUPTION UNITS' CATEGORIES OF CASES	SOP 11
CONFIDENTIAL INFORMANTS	SOP 12
Annex #1	
Annex #2	
Annex #3	
Annex #4	
Annex #5	
PROTRACTED/COMPLEX INVESTIGATIVE FUNDS	SOP 13

- 3 -

MASTER INDEX

(Continuation)

IMPREST FUND	SOP 14
OPERATIONAL EQUIPMENT SUPPLIES	SOP 15
SECTION ALARM SYSTEM	SOP 16
INTERNAL AFFAIRS MONTHLY ACTIVITY REPORTS	SOP 17
STATE APPROVED DESTRUCTION OF INTERNAL AFFAIRS RECORDS	SOP 18
COMPUTERIZED SUBPOENA RETRIEVAL SYSTEM (E-NOTIFY)	SOP 19
CIVIL SERVICE SUBPOENAS/HEARING NOTICES	SOP 20
CIVILIAN INVESTIGATIVE PANEL (CIP)	SOP 21
Annex #1 CIP Letter reference Insufficient Information	
Annex #2 CIP Letter reference Case Assignment	
EMERGENCY MOBILIZATION	SOP 22
CIVIL DISORDER	SOP 23
HURRICANE OPERATIONS	SOP 24

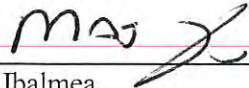
INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
LETTER OF PROMULGATION

TO: ALL PERSONNEL OF THE INTERNAL AFFAIRS SECTION.

The enclosed Standard Operating Procedures are established to provide guidelines for the effective management and efficient operation of the Internal Investigations Unit and Internal Affairs Section of the Miami Police Department.

The practices incorporated in these Standard Operating Procedures are designed to supplement already existing Departmental Orders and Directives.

Personnel assigned to the Internal Affairs Section are responsible for the contents of these Standard Operating Procedures and shall perform their duties in accordance with the guidelines specified herein.



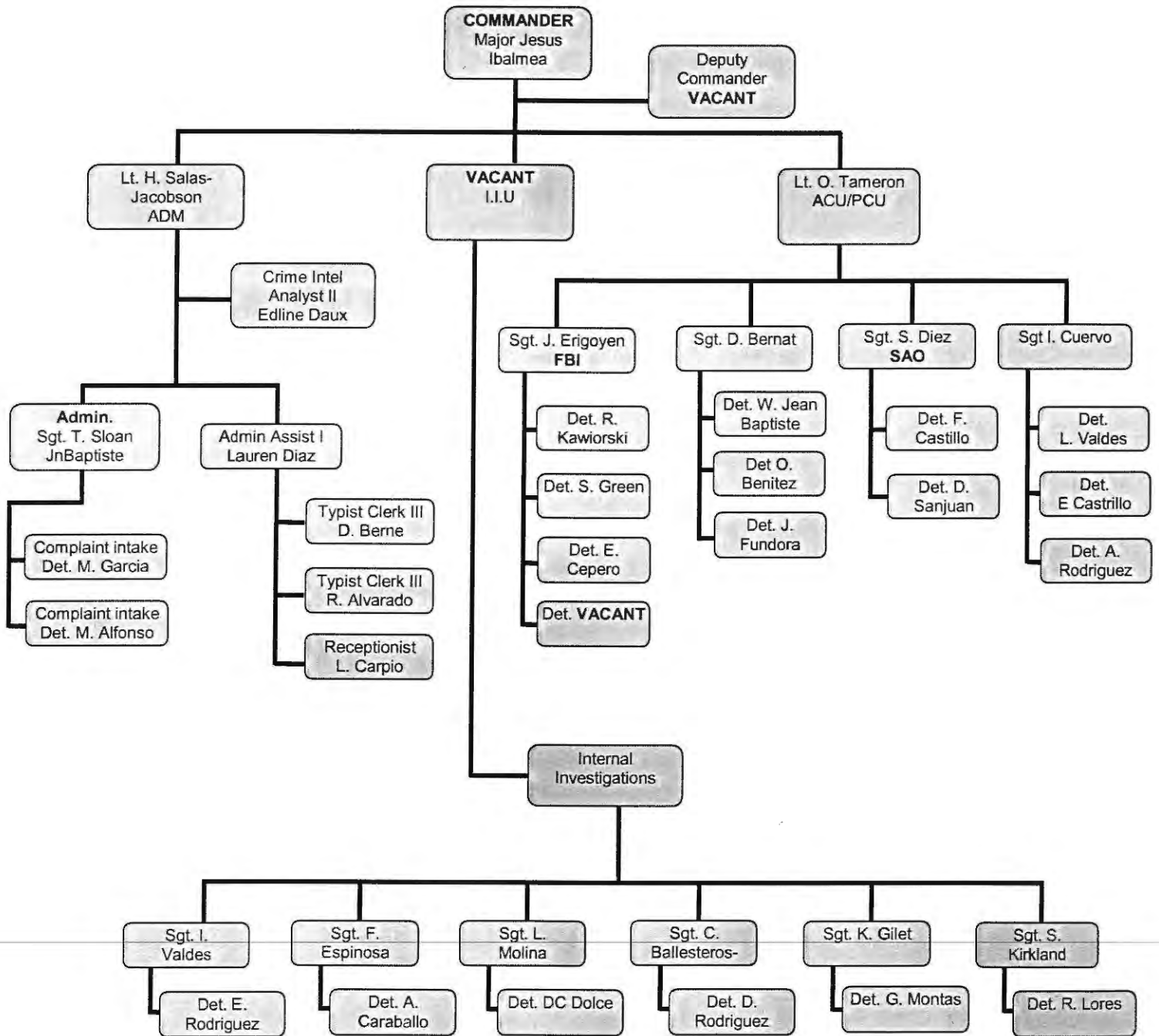
Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

INTERNAL AFFAIRS SECTION
ORGANIZATIONAL CHART




INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
MISSION, GOALS AND OBJECTIVES

I. Mission

The Internal Affairs Section is responsible for safeguarding the integrity of the City of Miami, the integrity of the Miami Police Department, and the rights of all citizens within the area of jurisdictional responsibility of the Miami Police Department. The Section is responsible to the Chief of Police who has placed the responsibility for the investigation of citizens' complaints as well as internally initiated complaints of breaches of discipline by departmental members on this Section. The Section is also responsible for safeguarding departmental members against malicious and untruthful allegations of misconduct.

II. Goals

- A. Protection of the public - The public has the right to expect efficient, fair and impartial law enforcement. Therefore, any misconduct by department personnel must be detected, thoroughly investigated and properly adjudicated to assure the maintenance of these qualities.
- B. Protection of the department - The department is often evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subjected to public censure because of misconduct by a few of its personnel. When an informed public knows that its police department honestly and fairly investigates and adjudicates all allegations of misconduct against its members, this public will be less likely to feel any need to raise a cry of indignation over alleged incidents of misconduct.


Jesus Ibalmea
Major
Internal Affairs Section

11-27-17
Effective Date

- 2 -

MISSION, GOALS AND OBJECTIVES

(Continuation)

- C. Protection of the employee - Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process.
- D. Removal of unfit personnel - Personnel who engage in serious acts of misconduct, or who have demonstrated they are unfit for law enforcement work, must be removed for the protection of the public, the department and the department employees.
- E. Correction of procedural problems - The department is constantly seeking to improve its effectiveness and the efficiency of its personnel. Occasionally, personnel investigations disclose faulty procedures that would otherwise have gone undetected. These procedures can then be improved or corrected.

III. Objectives

- A. To directly investigate cases involving departmental personnel.
- B. To review internal cases that will be investigated by other sections of the department.
- C. As a direct result of violations of Departmental Rules and Regulations, Civil Service Rules and Regulations or violations of the law, the Internal Affairs Section prepares cases to be presented to the Departmental Disciplinary Review Board and the Civil Service Board. Cases which involve criminal conduct are presented to the State Attorney's Office.
- D. To coordinate Tort liability cases involving police personnel with the City of Miami's Law Department.
- E. To investigate other departments within the city's structure, when requested by the City Manager, or the concerned department Director through the Chief of Police.
- F. To increase the credibility of the Miami Police Department by honest, fair and timely completion of investigations.
- G. To identify and remove those personnel who are unfit for service in the department.
- H. To provide investigative assistance to other City of Miami agencies and other Law Enforcement agencies as approved by the Chief of Police.
- I. To maintain secure files on all internal investigations conducted within the department.
- J. To review and purge investigative files in accordance with Florida Archives and Departmental Guidelines.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
DUTY HOURS AND DRESS

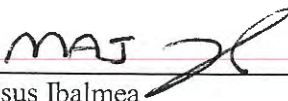
The Internal Affairs Section is located at 5040 N.W. 7 Street, 9th Floor, Miami, Florida, 33126.

Assignments, days off and duty hours will change when necessary to meet the Miami Police Department's needs in accomplishing its mission. The basic duty hours of the personnel are:

Commanding Officer: The Commanding Officer's hours will be set by the Chief of Police. They will vary so as to afford the Commanding Officer the opportunity to observe all facets of the Internal Affairs Section.

	Administration Unit	Internal Investigations Unit	Anti-Corruption Unit
LIEUTENANTS	0700-1700	0700-1700	0700-1700
SERGEANTS	0700-1700	0700-1700	0700-1700
INVESTIGATORS	N/A	0700-1700	0700-1700
INTELLIGENCE ANALYST	0730-1600	N/A	N/A
ADMIN ASSISTANT	0700-1530	N/A	N/A
TCIII	0800-1700	N/A	N/A
TCII	0800-1700	N/A	N/A
TCI	0800-1700	N/A	N/A

Vacations and dress code requirements will be in compliance with the Departmental Orders. The Internal Affairs Section Major must approve waivers in dress code.



 Jesus Ibalmea
 Major
 Internal Affairs Section

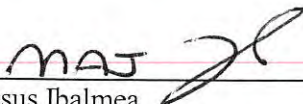
11-27-17

 Effective Date

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
DUTIES AND RESPONSIBILITIES OF MEMBERS

I. Section Commander

- A. Keeps the Chief of Police informed of current major investigations in a timely manner. Immediately informs the Chief of Police or his designee of all discharge of firearms, in-custody death or serious injury cases or any case where the likelihood of a police department employee being arrested is substantial.
- B. Establishes and ensures compliance with appropriate administrative and budgetary procedures.
- C. Ensures complete investigative activities through review of cases.
- D. When appropriate, responds to the scenes of shootings involving police officers.
- E. Performs or approves all of the administrative and personnel management tasks of the section.
- F. Responds to major scenes when necessary to assist proper coordination of an Internal Affairs investigation.
- G. Maintain liaison with the Director of the Civilian Investigative Panel (CIP).
- H. Ensures intra-agency liaison with other local, state and federal law enforcement officials.


Jesus Ibalmea
Major
Internal Affairs Section

11-27-17
Effective Date

- 2 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

- I. Ensure proper maintenance and handling of the section's impress fund.
 - J. Ensures budget preparation for the section.
 - K. Ensure that an annual analysis and a review is completed and forwarded to the Chief of Police, documenting the use of force by employees for control of persons, discharge of firearms, C.E.W., K-9 bites, O.C spray usages, and ITS report. This annual analysis and review must address patterns or trends that could indicate training needs, equipment upgrades, and/or policy modification (C.A.L.E.A.1.3.13 & 35.1.15)
 - L. Ensure that the Chief of Police is immediately notified on all cases involving public and/or elected officials. The Chief of Police will determine the investigating entity of such complaints.
- II. Lieutenant, Internal Investigations Unit Commanding Officer
- A. Ensures complete investigative activities through review of cases.
 - B. Conducts continuous inspection and critical appraisal of the unit's operations to determine that standards are met and to identify and implement approved methodologies for the accomplishment of the unit's mission.
 - C. Discharge of Firearms Review
 - 1. When appropriate, responds to the scene of shootings involving police officers.
 - 2. Reviews the Discharge of Firearms Supplementary Report.
 - 3. Assigns the investigation to the Internal Affairs investigator who responded to the scene, whenever possible.
 - 4. The Internal Affairs Internal Investigations Commander shall be responsible for coordinating information with the following shooting team members:
 - a. Commanding Officer and/or supervisor Homicide Unit.
 - b. Commanding Officer of the officer-discharging weapon.
 - c. Civilian Investigative Panel (CIP) representative.
 - d. Police legal advisor.

- 3 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

- e. Risk Management representative.
 - f. City Law Department investigator.
 - g. F.D.L.E.
- D. Receives reviews and assigns cases to subordinate personnel for investigation.
- 1. Cases should be assigned to the Internal Affairs investigator who responded to the scene, whenever possible.
- E. Response to Resistance Report Review
- The Internal Investigations Unit Commander will review all Response to Resistance Reports.
- 1. When appropriate, as in cases of in-custody deaths will respond to the scene of the incident.
 - 2. The review will ensure the completeness of the report.
 - 3. The reviewing person will initial and date the report in the designated location.
 - 4. If the Response to Resistance Report is complete, it will be forwarded to the Internal Affairs clerical staff for processing.
 - 5. As needed, the reviewing Commander will make requests by memorandum to the appropriate Division Chief or Section Commander for additional information or responses.
 - 6. The Response to Resistance Report package will be referred to an Internal Affairs investigator for additional information or responses, as needed.
 - 7. The Internal Affairs investigator conducting a Response to Resistance inquiry will accept complaints initiated by the arrestee.
 - 8. If the inquiry reveals any of the following factors, then an Internal Affairs case will be opened an Internal Affairs investigation will be conducted.
 - a. When the arrestee is hospitalized. (Other than being treated and released.)
 - b. When the circumstances indicate the flagrant excessive use of force.

- 4 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

- c. When the circumstances are of such magnitude to evince great public or community concern.
 - d. When the facts are evident that individual rights have been abridged.
 - e. When the facts are evident and the presumption of misconduct is great.
 - f. When the arrestee insists on filing a complaint.
9. To ensure thoroughness, some of the items that should be included in the supervisor's narrative are:
- a. Visible signs of injury described in detail.
 - b. Complaint of injury to specific part of body location.
 - c. Whether offender refused medical treatment. (Note: This does not relieve the department of responsibility to send offender for medical treatment.)
 - d. If known, past or current peculiar behavior, etc...
 - e. Synopsis of interviews of arrestee(s), officer(s), and witness(es).
 - f. That the Response to Resistance package contains all reports made relating to that incident.
- F. Performs operational or line duties and functions when directed or when circumstances dictate.
- G. Approves all of the administrative and personnel management tasks of the Internal Investigations Unit.
- H. Initiates appropriate disciplinary action within the unit, when necessary.
- I. Performs special duties and functions as directed by the Section Commander.
- J. Supervising and coordinating major team investigations.
- K. Responding to major scenes when necessary to assist proper coordination of an Internal Affairs investigation.

- 5 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

- L. Ensures maintenance of security of all Internal Affairs case files.
 - M. Reviews all leave and overtime requests.
 - N. Reviews and approves the handling of correspondence.
 - O. Meets with Section Commander on a weekly basis to review the status of assigned cases.
 - P. Prepares Quarterly On-Call Investigator's Listing.
- III. Public/Anti-Corruption Unit Commanding Officer
- A. Ensures complete investigative activities of all assigned Public/Anti-Corruption cases.
 - B. Keeps the Internal Affairs Commander informed of all current major investigations.
 - C. Conducts continuous inspection and critical appraisal of the unit's operations to determine standards are met. Identifies and implements methodologies for the accomplishment of the unit's mission.
 - D. Receives, reviews and assigns cases to subordinates for investigation.
 - E. Reviews all written material resulting from the completion of an investigation for accuracy, neatness and clarity.
 - F. Reviews work performance with subordinates, points out any weaknesses if they exist and make recommendations for means of improvement.
 - G. Reviews and approves all administrative and personnel management tasks of the unit.
 - H. Initiates appropriate disciplinary action within the unit when necessary.
 - I. Performs special duties and functions as directed by the Section Commander.
 - J. Supervises and coordinates all major unit investigations.
 - K. Responds to any major scene when instructed by the Section Commander, to assist in the proper coordination of an Internal Affairs investigation.
 - L. Ensures maintenance of security of all Public/Anti-Corruption Unit case files.
 - M. Reviews all leave training and overtime requests.

- 6 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

- N. Meets at least once a week with the Section Commander to review all assigned active investigations.
 - O. Provides and ensures necessary training to subordinates as outlined in the Internal Affairs training manual.
 - P. Maintains inventory of all assigned equipment.
 - Q. Maintains liaison with intra-agency counterparts.
 - R. Maintains the Public/Anti-Corruption Unit assignment log.
 - 1. All assigned cases will be given a Public/Anti-Corruption Unit case number by the Unit Commander. The case number shall be placed on the original 301 report and returned to the assigned investigator for follow-up.
 - S. Meets once a week with unit sergeants/investigators to review progress of assigned cases.
 - T. Ensures an accurate inventory of the section's operational equipment is maintained, and a log is maintained to record equipment being utilized. An inventory will be conducted every six (6) months.
 - U. Ensures that the section's operational supplies are monitored and that a sufficient quantity is maintained for the section's needs.
 - V. Maintains the Internal Affairs Section's Imprest Funds. Handles all withdrawals, deposits, expenditures and reimbursements.
 - W. Maintains the Public/Anti-Corruption Unit's Protracted/Complex Investigative Funds. Handles all withdrawals, deposits, expenditures and reimbursements.
 - X. Police Standard coordinator
 - Y. Attends Police Standards Commission meetings.
- IV. Internal Investigations Unit Sergeants
- A. Scope

- 7 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

It is the responsibility of the Internal Investigations Unit Supervisors to provide leadership and direction to ensure that a maximum degree of effectiveness is achieved toward the accomplishment of the unit's stated mission and objectives.

- B. Responsibility
 - 1. Ensures complete investigative activities through review of cases.
 - 2. Conduct inspections and appraisals of the unit's operation to determine that standards are met to accomplish the unit's mission.
 - 3. Discharge of Firearms Review
 - a. When appropriate, responds to the scene of shootings involving police officers as part of a shooting team.
 - b. Assigns the investigation to the Internal Investigations investigator who responds to the scene.
 - L. Reviews completed discharge of firearms investigative package for completeness.
 - M. Attends Discharge of Firearms Review Boards.
- C. Receives, reviews, and assigns cases to subordinate personnel for investigation.
 - 1. Reviews and assigns all RF-121's (Complaint Forms) to the appropriate investigator.
- D. Performs operational or line duties and functions when directed or when circumstances dictate.
- E. Initiates appropriate disciplinary action within the unit when necessary.
- F. Performs special duties and functions as directed by the Section Commander.
- G. Supervising and coordinating major team investigations.
- H. Responding to major scenes when necessary to assist in proper coordination of investigations.
- I. Review leave requests, training and overtime.

- 8 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

- J. Meet with Unit Commander on a regular basis (as needed) to review the status of cases.
 - K. Performs the section's semiannual photo files update.
 - L. Supervise and coordinate random home checks for all relieved of duty personnel to ensure compliance with rules and regulations.
- V. Public/Anti-Corruption Unit Sergeants
- A. Ensures complete investigative activities of all assigned Public/Anti-Corruption cases.
 - B. Keeps the Public/Anti-Corruption Unit Commander informed of all current major investigations.
 - C. Conducts continuous inspection and critical appraisal of their team's operations to determine that standards are met.
 - D. Reviews all written material resulting from the completion of an investigation for accuracy, neatness and clarity.
 - E. Reviews work performance with subordinates and points out any weaknesses, if they exist, and make recommendations for means of improvement.
 - F. Initiates appropriate disciplinary action within the unit when necessary.
 - G. Performs special duties and functions as directed by the Section Commander.
 - H. Supervises and coordinates all major unit investigations.
 - I. Responds to any major scene when instructed by the Unit Commander to assist in the proper coordination of an Internal Affairs investigation.
 - J. Ensures maintenance of security of all Anti-Corruption Unit case files.
 - K. Reviews all leave, training and overtime requests.
 - L. Meets at least once a week with the Unit commander to review all assigned active investigations.
 - M. Provides and ensures necessary training to subordinates as outlined in the Internal Affairs training manual.
 - N. Maintains liaison with intra-agency counterparts.

- 9 -

DUTIES AND RESPONSIBILITIES OF MEMBERS
(Continuation)

- O. Maintains the section's alarm and key logs.

VI. Internal Investigations Unit Investigators/sergeants

A. Responsibilities

Investigators/sergeants are responsible for conducting a complete investigation of assigned incidents and for preparing a report that documents the facts of the case.

B. Statement of Investigative Procedures.

Investigative procedures will be consistent with existing departmental policy. The Internal Affairs Section has the authority to employ all recognized investigative methods to accomplish a meaningful investigation. Investigators shall ensure any allegation of misconduct made against a departmental employee is thoroughly and objectively investigated.

C. Duties

1. During duty hours, when out of the office, investigators/sergeants will be available via telephone or radio communications.
2. Receives and documents citizen complaints against departmental personnel.
3. When responding to a shooting incident, investigators of the Internal Affairs Section will coordinate with the lead IA investigator for direction and assignments.
4. Makes personal contact with complainants, witnesses and departmental employees who are involved in a complaint. Additionally conducts interviews, gathers evidence and obtains formal statements.
 - a. In cases where complainants or key witnesses indicate a genuine hardship with regards to responding to the office to give a statement, arrangements must be made to take said statement at a more convenient location. A-recorded telephone statement can only be taken when circumstances dictate with approval of the Section Commander.
5. Obtains sworn statements from any person who alleges misconduct by a departmental member or City employee.

- 10 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

6. Obtains sworn statements from any witnesses to alleged misconduct by a departmental member or City employee.
7. Ensures that complainants have made proper identification of City employees.
 - a. This may be accomplished by utilization of photographs.
 - b. If photographs fail to reveal an accurate identification, a physical lineup may be compelled under Garrity; however, all guidelines utilized for lineups in a criminal investigation must be adhered to.
8. Collects all documents and reports, which have been generated, on incidents related to a complaint investigation.
9. While conducting an investigation the investigator will, obtain sworn statements from departmental member(s) who are the subject of a complaint or who are involved in, or are witnesses to an incident where misconduct is alleged to have occurred. (Refer to Tab E, Annex 1) (CALEA 52.1.7a)
 - a. "Off the record" statements will not be solicited nor permitted.
 - b. All conversation and/or statements will be recorded by a stenographer and/or audio recorded.
 - c. If it becomes necessary and relevant to an administrative investigation, a limited financial disclosure may be obtained, as outlined by Departmental Order 12, Chapter I, Section 1.4.16, (CALEA 52.1.7d).

The need for complete financial disclosure statements should only occur in conjunction with investigations of a criminal nature (CALEA 52.1.7d).

Criminal investigations requiring financial disclosure statements from Department employees will be coordinated with the State Attorney's Office and the appropriate records subpoenaed (CALEA 52.1.7d).
 - d. If appropriate or the circumstances dictate the investigator will:
 - View the scene if known and if possible.
 - Make arrangements with the Crime Scene Investigation Detail to process the scene if needed.
 - Obtain photographs of the victim's injury.
 - Obtain photographs of the officer's injury (CALEA 52.1.7b)

- 11 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

Have the Crime Scene Investigation Detail respond when necessary for collection of blood or body fluid evidence (CALEA 52.1.7a)

The Crime Scene Investigation Detail will also be responsible for the collection of all types of physical evidence to include but not limited to:

L. firearms and related items

M. gun powder residue

N. tools and tool marks

O. trace evidence such as paint, glass, hair, fibers metal wood and soil.

(CALEA 52.1.7a)

Obtain medical releases and records (CALEA 52.1.7a)

- e. Photography procedures (CALEA 52.1.7b, c)

Occasionally members of the department may be subject or a witness in an investigation concerning an alleged misconduct or complaint, and are requested to submit to a photograph or line-up individually or in a group.

- f. Instruments for the detection of deception are not a part of the investigative process, nor will it be used as a basis for a finding. (CALEA 52.1.7e)

10. If there are indications that an employee is under the influence of an alcoholic beverage or controlled substance in accordance with the current collective bargaining agreement, the On-Call Internal Affairs Sergeant will be contacted. Once the Internal Affairs Sergeant determines that the case has merit, he/she shall notify a staff member (preferably the affected employee's staff level officer or Staff Duty Officer). The staff member will make the determination as to whether reasonable belief exists to give the order to submit to substance abuse/alcohol testing. (CALEA 52.17a)
11. Investigators will make written entries into the files of their cases, outlining daily activities expended towards case resolution.
12. Investigators will make a report, as required, to the Unit Commander on the progress and direction of all investigations assigned.
13. Cites the appropriate state, city law; or departmental order, civil service rule, directive or regulation for each violation alleged or subsequently uncovered during the course of the investigation.
14. Performs operational or line duties and functions when directed by the Unit Commander or when such becomes appropriate or necessary.

- 12 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

15. Performs special duties or function as directed by the Unit Commander.
16. Maintains required proficiency skills as required of investigators as outlined by the section training manual.

VII. Intake Police Officer

- A. The intake officer is responsible for obtaining sworn statements from persons/witnesses alleging misconduct by a departmental member or city employee.
- B. The intake officer collects all documents and reports which have been generated on incidents related to a complaint investigation.
- C. The intake officer is also tasked with entering all information into the computer and ensures all supervisors receive the necessary information regarding each general case.

VIII. Public/Anti-Corruption Unit Investigators

- A. Investigators are responsible for conducting thorough investigations of all assigned Public/Anti-Corruption cases, for documentation of those cases and preparation of complete case file.
- B. Investigators shall keep the Unit Commander updated on all assigned cases and all newly received tips or leads.
- C. When Public/Anti-Corruption tips or leads are received, they shall be documented on a 301 report and forwarded to the Unit Commander. The Unit Commander will evaluate the information and either assign the case for investigation or have it filed as intelligence information.
- D. The lead investigator on all assigned cases shall coordinate their investigative tactics with their supervisor. These tactics may include, but are not limited to, surveillance, investigative interviews and statements, court authorized pen registers or wire taps.
- E. Investigators shall complete daily 301 reports on work accomplished on their assigned cases.
 1. The 301 reports will be reviewed by their supervisor, the Unit Commander and Section Commander and then placed in the appropriate case file.
- F. Investigators shall inform their supervisor of any change in their duty hours.

- 13 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

1. All duty hours will be set by the Unit Commander.
- G. Complies with Departmental Orders and Internal Affairs Section S.O.P.'s, when utilizing confidential informants.
 - H. Maintains liaison with counterparts in outside agencies.
 - I. Maintains all assigned equipment.
 - J. Respond to subpoenas as required.
 - K. Ensure security of unit offices, equipment, files and reports.
- IX. Criminal Intelligence Analyst II
- A. The primary function of the Criminal Intelligence Analyst is to provide investigators with specialized analytical intelligence and background information relating to internal and external investigations through various data bases, open sources and other agencies.
 - B. Administrator of the IA Pro system to include, but not limited to the following:
 1. Trainer of IA Pro
 2. Maintains the integrity of the system
 3. Ensures all entries are entered correctly
 - C. Create charts, graphs, spreadsheets and power point presentations for the section as well as other units and agencies.
 - D. Compile statistical reports to include, but not limited to the following:
 1. Police Shootings
 2. Citizen Complaints
 3. Allegations
 4. Comparison of data
 5. Terminated Employees
 - E. Management of the Incident Tracking System to include:
 1. Quarterly report
 2. Compile ITS list, pull profiles, provide supporting documents, and distribution to Districts

- 14 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

3. Provide assistance to supervisors handling ITS package
 4. Review responses to ensure all incidents are thoroughly documented
 5. Assist with the maintenance of the Response to Resistance reports to ensure all pertinent information is provided on the report
- F. Complete public records requests to include but not limited to the following:
1. Police Involved Shootings
 2. Arrests
 3. Allegations
 4. Citizen Complaints
 5. Response to Resistance
- G. Prepare annual reports to include the following:
1. Response to Resistance
 2. Incident Tracking System
 3. Complaint
- H. Maintain a detailed log of all Police Involved Discharges.
- I. Assists in reviewing, creating, updating, copying, and maintaining the Section's SOP's and DO's.
- J. Prepare weekly statistical report detailing a breakdown by District, Division and number of cases sent out to include Allegations, Police Involved Discharges, Relieved/Reassigned and Relieved of Duty.
- K. Provide reports for C.A.L.E.A.
- L. Responsible for all administrative assignments the Internal Affair Section is responsible for under the auspice of the Commander.
- X. Administrative Assistant I
- A. The primary function of the Administrative Assistant is to ensure the administrative unit is performing at peak efficiency. The Administrative Assistant must have the ability to identify, analyze and solve any administrative issue quickly and effectively.

- 15 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

B. The Administrative Assistant provides the overall supervision of the clerical support personnel and oversees all administrative duties, to include but not limited to the following:

1. Responsible for the preparation and publication of numerous monthly statistical reports.
2. Responsible for the preparation and publication of the Relieved of Duty personnel.
3. Responsible for the preparation of employee performance (evaluations) for the clerical staff.
4. Serves as the IA liaison for CALEA. Responsible for the collection and submission of documents.
5. Serves as IA liaison for FDLE (Bureau of Standards). Responsible for the preparation and submission of CJSTC Forms 61, 61A and 78.
6. Coordinator for the management of Public Records requests.
7. Coordinator for the destruction of records, to include reviewing and logging of records to be purged.
8. Assists the City of Miami Law Department and Risk Management in case preparation involving lawsuits of police department personnel.
9. Assists the FRB Coordinator with tracking of all police discharges.
10. Manages the tickler system for COP ticklers and FRB ticklers.
11. Handles the Major's and Commander's In/Out Box.
12. Authors letters and memorandums at the direction of the Section Commander.
13. Reviews "S" case files and forwards to Chain of Command.
14. Generates ticklers for tracking of Reprimands and Record of Formal Counseling.
15. Ensures the office is adequately stocked with supplies.

XI. Typist Clerk III

A. The primary function of the Typist Clerk III is the management of all Internal Affairs case files, to include but not limited to the following:

1. Preparing case files, labels, letters, memorandums, profiles, logging cases in complaint log and tickler system, certified return receipt letters, filing.
2. Manages Tickler System for "S" cases.
3. Manages complaint log.
4. Updates/prints Complaint log on a monthly basis.

B. Performs clerical duties, to include but not limited to the following:

1. Answers the telephone, taking/forwarding messages.

- 16 -

DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

2. Handles reception desk, to include: greeting visitors, assisting/providing information to complainants and contacting Intake or On-Call officer.
3. Handles employee "pink slips" (termination of employment) paperwork, ensuring that profile is pulled, employee has no open cases, it is signed by IA command staff, make appropriate copies/distribution and file)
4. Performs all typing assignments, as required.
5. Public records request, if requested.
6. Assists in special projects, as needed.

XII. Typist Clerk II

- A. The primary function of the Typist Clerk II is the Management of Response to Resistance reports, Reprimands, Record of Formal Counseling, to include but not limited to the following:

1. IAPro entry of documents
2. Copying/Scanning/Filing

- B. Prepares Payroll/LOPSs and maintains attendance records.
- C. Prepares monthly report with statistical information on OC spray, K-9, C.E.W. and Physical Control.
- D. Responsible for the daily logging of ROD attendance and printing it weekly.
- E. Prepares monthly Alpha Bravo and Emergency Mobilization list.
- F. Prepares monthly "P" Sheets and updates/prints daily "P" Sheets for the Section
- G. Maintains an up-to-date inventory of office supplies and reorders supplies, as needed
- H. Prepares officer profiles, as needed
- I. Performs clerical duties, to include but not limited to the following:
1. Answers the telephone, taking/forwarding messages.
 2. Handles reception desk, to include: greeting visitors, assisting/providing information to complainants and contacting Intake or On-Call officer.
 3. Handles employee "pink slips" (Termination of Employment) paperwork, ensuring that profile is pulled, employee has no open cases, it is signed by IA command staff, make appropriate copies/distribution and file).
 4. Performs all typing assignments, as required.
 5. Assists with public records request, as needed.
 6. Assists in special projects, as needed.

XIII. Typist Clerk (Temp)

- A. The primary function of the Typist Clerk Temp is the Management of the Reception Desk, to include but not limited to the following:

- 17 -


DUTIES AND RESPONSIBILITIES OF MEMBERS

(Continuation)

1. Answering the telephone; taking/forwarding messages.
 2. Handling the reception desk, to include: greeting visitors, assisting/providing information to complainants, and contacting Intake or On-Call officer.
 3. Handles employee "pink slips" (Termination of Employment) paperwork, ensuring the employee's profile is pulled and has no open cases, it is signed by IA command staff, copies/distribution and file).
- B. Receive/stamp/distribute inter-office mail.
- C. Retrieve/stamp/distribute correspondence via US mail (building mail box).
- D. Responsible for maintaining outside unit "P" sheets.
- E. Responsible for assisting in public records management (pulling profiles, letters, copies, faxing, etc).
- F. Retrieve telephone messages every morning.
- G. Retrieve/distribute documents received via fax machine.
- H. Assists in special projects.
- I. Maintain work areas stocked with supplies.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES
POLICIES

- I. All Internal Investigations Unit Sergeants must maintain their active working case files in the Internal Affairs office.
- II. All audio recordings pertaining to Internal Affairs investigations will be kept in the case file.
- III. Investigators must ensure that a Crime Scene Investigator (C.S.I.) responds to all discharge of firearm investigations. This is to be done regardless of where the discharge occurred, unless the lead investigative entity is an outside agency.
- IV. Whenever the complainant in a case has a professional background (i.e.: doctor, attorney, etc.), the individual's profession is to be listed in the narrative portion of the R.F. 121.
- V. All reports, letters, etc., received from any Sergeant assigned to the Internal Investigations Unit must first be given to the Internal Investigations Unit Commander prior to it being submitted to the Internal Affairs Section Commander.
- VI. Whenever a major case requiring a state attorney review exists, the State Attorney's Office Division Chief of the Organized Crime/Corruption Unit must be contacted. No other state attorney will be contacted in order to obtain a verbal confirmation to proceed administratively with the case.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

- 2 -

POLICIES

(Continuation)

- VII. All personnel are reminded that city equipment shall not be left in the passenger compartment of an unattended vehicle.
- VIII. All personnel assigned take home vehicles are reminded to strictly adhere to Departmental Order 14, Chapter 2.
- IX. All personnel are reminded that city equipment is for the exclusive use of Internal Affairs investigations.
- X. All personnel, when turning in their rental vehicle, shall ensure the gas tank is full. Vehicles can only be operated by the assigned investigator. Vehicles will not be exchanged without the approval of the Unit Commander or the Section Commander of the Internal Affairs Section.
- XI. Lead investigators attending Civil Service Hearings must prepare a memorandum directed to the Section Major within 48 hours. This memorandum will detail the outcome of the hearing.
- XII. All time off requests from unit personnel will be approved by their immediate supervisor.
- XIII. All typed reports, letters, etc., coming from any investigator assigned to the Anti-Corruption Unit must first be given to the Anti-Corruption Unit Commander, prior to it being submitted to the Internal Affairs Section Commander.
- XIV. Requests for time off by Relieved of Duty personnel of eight hours or more must be documented before the requested date(s) to the assigned Internal Affairs Sergeant for approval. If the time off is granted, it must be documented on the daily P-sheets.
- XV. Requests for time off by Relieved of Duty personnel, of less than a tour of duty, can be approved by the Administrative Sergeant or above and documented on the daily P-sheet.
- XVI. All requests for Internal Affairs records shall be reviewed and approved by the Police Legal Advisor immediately upon receipt from originator.
- XVII. The Chief of Police will be immediately notified on all cases involving public and/or elected officials. The Chief of Police will determine the investigating entity of such complaints.
- XVIII. All personnel are reminded that when any sworn personnel visit the Internal Affairs Section office on official business, they must secure their weapon(s) inside the weapon lockers prior to entering the secured areas of the section. Only in an emergency situation can sworn member(s) not assigned to the Internal Affairs Section enter the secured area with their weapon(s).

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 1

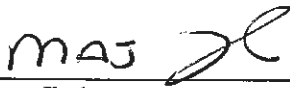
SUBJECT: INTERNAL AFFAIRS COMPLAINT RECEPTION

PURPOSE: To establish procedures for the reception and recording of complaints against personnel of the Miami Police Department.

SCOPE: To set guidelines for the types of complaints received, the reports to be generated and an overview of the routine investigative format.

I Complaints will be accepted on, but not limited to, the following allegations:

- A. Excessive Use of Force, Abusive Treatment.
- B. Theft, Bribery or Acceptance of Unauthorized compensation or merchandise.
- C. Intoxication or Use of Alcoholic Beverages on Duty, Illegal Use of Drugs.
- D. Discourtesy
- E. Harassment



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

-2-

STANDARD OPERATING PROCEDURES: S.O.P. 1
(Continuation)

- F. Improper Procedures
- G. Negligence of Duty
- H. Any allegation which is a violation of Civil Service Rules, Departmental Orders and S.O.P.'s
- I. Any allegation which is a violation of law.

Upon receiving a complaint, the Internal Affairs Section will acknowledge its receipt and notify the complainant of the investigator assigned the investigation and that periodic status reports will be forthcoming. (S.O.P. 6, Annex 1)(C.A.L.E.A. 52.1.5 a & c)

If it is determined that the complainant should be directed to the officer's section for investigation, the Internal Affairs Section will send the complainant via certified mail, advising them of who is assigned to their investigation. The Internal Affairs Section will monitor the investigation and will send an interim letter until the final conclusion of the investigation. At the conclusion of the investigation, the investigating unit will notify the complainant of the results. (S.O.P. 6, Annex 2),(C.A.L.E.A. 52.1.5. a & c)

Upon conclusion of the investigation, the investigator will notify the complainant of the results, via certified letter. If an address is not available, an attempt by telephone and other methods that are available will be made, to locate the complainant. (S.O.P. 6, Annex 3)(C.A.L.E.A. 52.1.5 c).

The investigation must be concluded prior to 180 days from the date the complaint was received, by the Internal Affairs Section.

II Complaints will not be accepted on the following:

- A. Complaints arising out of traffic summons issuance or arrest situation wherein the only dispute is the facts of the incident, summons and arrest situation should be referred to the appropriate court.
- B. Outstanding debts, divorce disputes and other typical civil matters.
- C. Civil matters should be referred to the appropriate courts.
- D. Courtesy and understanding must be employed in listening to complainants and informing them their incident/concern must be referred to another agency.

-3-

STANDARD OPERATING PROCEDURES: S.O.P. 1
(Continuation)

Complaints that are not accepted will be documented on the complaint log.

- III Complaints will be received by other sections as below:
- A. Document the complaint on a Complaint Form, R.F. 121. (See S.O.P. 1, Annex 1)
 - B. Immediately send the Complaint Form, R.F. 121, to the Internal Affairs Section.
 - C. The complaint will be assigned an Internal Affairs case number and logged. A copy with the Internal Affairs case number will be routed back to the originating unit, if appropriate.
 - E. The investigation made by the originating section should commence immediately upon return of the complaint form with a case number from the Internal Affairs Section.
- IV Complaints will be received by the Internal Affairs Section as follows:
- A. By Intake Police Officers or when assigned as the On-Call Investigator, or as the Backup On-Call Investigator, the following tasks will be performed on complaint reception:

Monday through Friday 0800-1700 hours, excluding holidays, at least one Intake Police Officer or one On-Call Investigator will:
 - 1. Receive all incoming calls pertaining to complaints.
 - 2. Conduct initial interviews with walk-in complaints. Ensure complainant fills out the Citizen Complaint Against Police Employee R.F. 2017-9 (See S.O.P. 1 Annex 2) and receives a Complaint Investigative Process Form R.F. 2017-5 (See S.O.P. 1 Annex 3).
 - 3. Complete complaint form R.F. 121 as indicated on all complaints, attaching the following information.
 - 4. Secure all official reports pertinent to the complaint.
 - 5. Write a brief summary of the complaint on the reverse side.
 - 6. Leave the allegation section blank.

-4-

STANDARD OPERATING PROCEDURES: S.O.P. 1
(Continuation)

7. Investigators will document Sexual Harassment allegations on an R.F. #121 and will advise the complainant according to the guidelines provided in D.O. 6 Chapter 10 concerning this allegation. The investigator upon concluding the gathering of information process, they will notify the principal employee's Section Commander. The complainant will be provided with a copy of the City of Miami Policy Statement on Sexual Harassment and the Miami Police Departmental Policy and be required to sign acknowledging receipt of said policies. (C.A.L.E.A. Standard 52.1.1 b).
 8. The Intake Police Officers, the On-Call and Backup On-Call Investigator will also be in adherence of the following procedures:
 - a. The receptionist receiving a telephone or walk-in complaint will refer the party to the intake police officers.
 - b. If the intake police officers are out of the office or with another complainant, the receptionist will refer the complainant to the On-Call or Backup On-Call Investigator.
 - c. If both the On-Call and Backup On-Call Investigator are out of the office or with complainants, the receptionist will refer the complainant to any investigator.
 - d. The Intake Police Officers and the On-Call Investigator will coordinate their activities to ensure one of them is in the office at all times. If both must be out of the office at the same time for any reason, the last one leaving will be responsible for finding someone to handle incoming complaints. He/she will also contact the unit Commander, (or follow chain of command if unit Commander is not available) prior to leaving, to explain the necessity of leaving the office and who will handle the On-Call responsibilities in his/her absence.
 - e. The Intake Police Officers and the On-Call Investigator will at all times keep the clerical personnel informed as to their whereabouts and status, i.e., with complainant, taking statement, taking telephone complaint, etc.
- B. If the complainant is present:
1. If the complaint involves physical abuse, photograph all visible signs of injury.

-5-

STANDARD OPERATING PROCEDURES: S.O.P. 1

(Continuation)

2. Obtain sworn recorded statements of the witnesses/complainant's account of the incident, upon their first appearance in the Internal Affairs Office.
 3. Collect, identify, and properly preserve any evidence presented or available.
 4. Obtain a signed and witnessed release form for medical and/or confidential records upon the complainant's first appearance in the Internal Affairs Office.
- C. If the complaint is received by mail, e-mail, telephone, fax or anonymous:
1. Attempt to contact complainant by telephone and/or certified mail to come to the Internal Affairs Section to provide a sworn recorded statement or to meet the complainant at their convenience, if necessary.
- D. A Complaint Form (R.F. 121) will be prepared to include the following information.
1. Name of complainant.
 2. Name of employee complained on.
 3. Nature of complaint.
- E. Forward all reports of complaints to the Administrative Sergeant for review and assignment.
- F. The Administrative Sergeant (or his/her designee) upon receipt of a complaint, shall determine the allegation and if the complaint is to be investigated or not. The complaints that are not going to be investigated by the Internal Affairs Section will be forwarded to the officer's Section Commander through channels, for investigations.
1. Complaints that are determined not to be a legitimate complaint, administratively will be logged as "N" (Non-Complaint) and logged in the computerized system for future reference.
- V The complainant will be notified by certified letter from the Internal Affairs Section, upon receipt of complaint, every 30 days in the interim a status update

-6-

STANDARD OPERATING PROCEDURES: S.O.P. 1
(Continuation)

letter will be sent and a letter will be sent again at the completion of the final outcome of the investigation. (C.A.L.E.A. 52.1.5 a, b & c).

Review and Assignment of Internal Affairs complaints: The Internal Affairs Section has the sole coordinating responsibility of the citizen's complaint process. All citizens' complaints received by the department, whether by Internal Affairs investigators or by any other element, will be forwarded to the Internal Affairs Section where it will be reviewed by the Administrative Sergeant to determine investigative responsibilities. The complaint will be recorded in the complaint log, assigned a case number, and distributed for investigation by either a line supervisor or by Internal Affairs investigators.

- A. Complaints to be investigated by Internal Affairs: The Internal Affairs Section will investigate all complaints deemed necessary by the Major or his designee to include but not limited to corruption, criminal activity, misconduct, excessive force, abusive treatment, employee substance abuse and sexual harassment.
- B. Complaints to be investigated by other Sections: Cases involving allegations minor in nature (e.g., improper demeanor, discourtesy, failure to give name upon request, tardiness, and driving complaints, etc.) may be identified as "S" Cases and forwarded through channels to the Unit Commander of the principal employee. The "S" case investigation shall be completed and returned to IAS within 90 calendar days. The unit commander of the principal will be responsible for ensuring a complete and expeditious investigation.
- C. Effective July 1, 2005, agencies are now prohibited from disciplining, demoting or dismissing any law enforcement officer if the agency does not complete the investigation of the misconduct allegation within 180 days. Agencies are required to complete their investigation and give notice in writing to the officer of its intent to discipline, along with a proposal of the action sought within the 180 days. The running of the 180 days may be tolled if waived by the subject officer in writing, or in a multijurisdictional investigation, when extending the time period is necessary to coordinate the agencies involved. The running of the 180 days shall be tolled during the time that any criminal investigation or prosecution is pending in connection with the allegation of misconduct, or if the investigation involves a subject officer who is incapacitated or otherwise unavailable. Investigations can be reopened for an additional 90 days when significant new evidence is discovered that could not reasonably have been discovered in the normal course of the investigation, or the evidence resulted from the predisciplinary response of the officer. (Florida State Statute 112.532)

-7-

STANDARD OPERATING PROCEDURES: S.O.P. 1
(Continuation)

- VI. Complaints received from other agencies.
- A. The following procedure will be adhered to upon receipt of complaints forwarded to Internal Affairs from within the department and other agencies.
1. A letter (S.O.P. 5, Annex 2) will be sent to the complainant, indicating that the Miami Police Department is in receipt of their complaint and that their assistance will be required to proceed with the investigation (C.A.L.E.A. 52.1.5(a & c)).
 2. The Internal Investigations Unit Commander or his designee will be responsible for determining the letter is sent in applicable cases.
 3. The letter will be stored in the I.A. U-drive and linked in IAPro. A copy of the letter will be placed in the case file.
 4. If the complaint originates from the City Commission or the City Manager's Office, copies of all correspondence to the complainant will be forwarded to the Chief of Police for distribution.
 5. Personal or telephone contact will be made with the complainant immediately upon receipt of the complaint by the assigned investigator.

**CITY OF MIAMI POLICE DEPARTMENT
INTERNAL AFFAIRS SECTION**

COMPLAINT FORM

IA Case No. _____
(For IA Use Only)

COMPLAINT RECEIVED:

DATE: _____ TIME: _____ SOURCE: ___ WALK-IN ___ PATROL 121 ___ EMAIL ___ OTHER _____
PREPARED BY: PIN _____ NAME _____
COMPLAINANT _____ RACE/ETHNICITY _____ SEX _____
DOB _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
PHONE # _____ BUS # _____ ARRESTED _____ INC # _____
INC LOCATION _____ NET AREA _____ INC DATE _____ INC TIME _____
WITNESS 1 _____ ADDRESS _____ PHONE # _____
WITNESS 2 _____ ADDRESS _____ PHONE # _____

PERSONNEL INVOLVED

1. PIN _____ NAME _____ RANK _____ R/E* _____ SEX _____ ASGMT _____
2. PIN _____ NAME _____ RANK _____ R/E* _____ SEX _____ ASGMT _____
3. PIN _____ NAME _____ RANK _____ R/E* _____ SEX _____ ASGMT _____
4. PIN _____ NAME _____ RANK _____ R/E* _____ SEX _____ ASGMT _____

*R/E – Race/Ethnicity (refer to Legend on back page).

**CASE ASSIGNMENT
(FOR IA USE ONLY)**

ASSIGNED TO: _____ REPLY FORMAT _____
DATE ASSIGNED: _____ DATE DUE: _____ ASSIGNED BY: _____
ALLEGATION: _____ PIN _____ PIN _____ PIN _____ PIN _____
ALLEGATION: _____ PIN _____ PIN _____ PIN _____ PIN _____
ALLEGATION: _____ PIN _____ PIN _____ PIN _____ PIN _____
ALLEGATION: _____ PIN _____ PIN _____ PIN _____ PIN _____

RESULT OF INVESTIGATION (see item #2 on reverse side)

PIN _____ ALLEGATION _____ FINDINGS _____
PIN _____ ALLEGATION _____ FINDINGS _____
PIN _____ ALLEGATION _____ FINDINGS _____
PIN _____ ALLEGATION _____ FINDINGS _____

DISCIPLINARY ACTION RECOMMENDED (see item #3 on reverse side)

PIN _____ PIN _____
PIN _____ PIN _____

COMPLAINT INVESTIGATED BY

PIN _____ NAME: _____ DATE: _____

COMMANDING OFFICER REVIEW

PIN _____ NAME: _____ DATE: _____

COMPLAINT NARRATIVE

Departmental policy requires a Complaint Investigation Process (RF # 2017-9) sheet be provided to the complainant.

Detective

Print and Sign, PIN and Date

Once this complaint is received for investigation the following instructions shall be followed:

1. Follow format in outlined in the Internal Affairs Section policy when investigating the complaint.
 2. Address all employees and all allegations with an indication of findings in the results of investigation section using the following **Categories: exonerated; not sustained; sustained; unsupported; or withdrawn.**
 3. When a finding of sustained is determined, use the following terms: Record of Formal Counseling (RF # 805); Letter of Reprimand (RF # 37); Loss of accumulated time (forfeiture of carried overtime or vacation time); Suspension Without Pay; Demotion; or Discharge of Employment (Termination)
-

Legend:

Race Background:	C (white) – B (black) – O (other)
Ethnicity Background:	A (American) – S (Spanish) – X (other) H (Haitian) – E (European) – O (Oriental)



Internal Affairs Section Intake Form
Citizen Complaint Against Police Employee
Queja/Denuncia Registrada Por Un Ciudadano Contra un Empleado de la Policia
Si Ou Bezwen Pote Plent Kont Yon Ofisie Police, Men Ki Fom pou Ranpli



Name of Complainant: _____

Nombre del Denunciante

Non moun kap poté plent la

Home Address: _____

Dirección de su domicilio

Adrés

Email: _____

Correo Electronico

Imel

Imel

City: _____

Ciudad

State: _____

Vil

Estado

Leta

Phone Number(s): _____

Número Telefónico

Telefon

Place/Address of Employment: _____

Lugar/Dirección de empleo

Non-ou é Adrés Travay ou

City: _____

Ciudad

State: _____

Vil

Estado

Leta

Phone Number(s): _____

Número Telefónico

Telefon

Date of Birth: _____

Fecha de Nacimiento

Dat Ou Fèt

Age: _____

Edad

Laj ou

Gender: _____

Género

Sex

Race: _____

Raza

Ras

Ethnicity: _____

Grupo étnico

Date and Time of the Event You Are Filing the Complaint About: _____

Fecha y Hora del incidente del cual usted se queja

Ki Dat Ke Pwoblem TE Rive

Name and Badge Number of the Employee(s) You are Complaining About (if available): _____

Nombre y número de chapa del empleado del cual usted se queja

Non Ak Nimero Badj Ofisie Polis Saa

Vehicle Number of the Police Vehicle Involved (if available): _____

Número del vehículo del policía involucrado (si está disponible)

Nimero Machin;n Ofisie Polis La Si ou Genyen Li

Please List Names, Addresses and Phone Numbers of Any Witnesses: _____

Nombre, Dirección y Número Telefónico de Testigos

Non , Adrés Ak Telefon Tout Temwen Ki TE La Pandan Ensidanán

Statement of Perjury

Declaración de Perjurio

Toujou Di Verite Pandan Deklarasyon Sa Yo

F.S.S.837.02 (1)

Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree.

El individuo que de una declaración falsa, la cual él o ella reconozca como una que no es verdadera, y esté bajo juramento durante un procedimiento oficial, está cometiendo una felonía del tercer grado.

La Lwa Di ke li ilegal pou bay manti. Si ou konnen ke wap bay manti oswa deklarasyon ke ou bay la pa bon ou kapab gen pwoblem avek la lwa e yo kabab arete ou

Signature of Complainant

Firma del Denunciante

Signati Victim lan

Date/Time

Fecha/Hora

Dat epi ki le

Signature of Witness

Firma del Testigo

Signati Temwen yo



Published by PCS on 10/31/2019

Internal Affairs Section Intake Form
Citizen Complaint Against Police Employee

Queja/Denuncia Registrada Por Un Ciudadano Contra un Empleado de la Policia
Si Ou Bezwen Pote Plent Kont Yon Ofisye Police, Men Ki Fom pou Ranpli



CITY OF MIAMI POLICE DEPARTMENT

North District
1000 NW 62nd Street
Miami, FL 33150
(305) 795-2300

Central District
400 NW 2nd Avenue
Miami, FL 33128
(305) 603-6640

South District
2200 W. Flagler Street
Miami, FL 33135
(305) 643-7160

Grapeland Heights
1701 NW 30 Avenue
Miami, FL 33125
(305) 603-6500

THE COMPLAINT INVESTIGATION PROCESS

A citizen can file a formal complaint by letter, telephone, or in person at any of the listed locations. The complaint can be taken by any police supervisor, made directly to the Internal Affairs Section, or made to the Civilian Investigative Panel (CIP). All complaints against employees of the Miami Police Department are investigated and/or documented. An annual statistical summary of all Internal Affairs investigations is available to the public in the Internal Affairs Section office.

Once the complaint is received, it will be forwarded to the Internal Affairs Section where it will be processed and classified. Once classified, the complaint will be forwarded to the appropriate Division for investigation. The Internal Affairs Section will monitor all investigations. If a crime has been alleged, the Office of the Miami Dade State Attorney will be contacted to determine if criminal charges should be filed. You will be notified, via certified mail, who will be responsible for the investigation.

During the investigation, statements will be taken from you, the witness(es), and the subject employee(s). All reasonable leads will be investigated. Employee investigations remain confidential until finalized. No participant including complainants, investigated employees, investigators, or witnesses will disclose any information regarding the investigation until the conclusion of the investigation. The complexity of the case will determine the amount of time needed to complete the investigation (days, weeks, or months).

Once the investigation is completed, you will be notified via certified letter as to the result of the investigation. There are five possible findings:

Exonerated: The investigation revealed, by a preponderance of the evidence that the complained of act(s) did not occur; or the investigation revealed, by a preponderance of the evidence that the acts which provided the basis for the complaint or allegation occurred, but the investigation revealed, by a preponderance of the evidence that the act(s) were justified, lawful and proper.

Not Sustained: The investigation cannot by a preponderance of the evidence show that the complained of act(s) occurred, and the investigation cannot by a preponderance of the evidence show that the complained of act(s) did not occur.

Sustained: The investigation revealed, by a preponderance of the evidence that the complained of act(s) occurred and that they constitute violations of policy, orders, and/or law.

Unsupported: A complaint has been filed. An investigation cannot proceed due to insufficient information and/or the complainant cannot be contacted. The case may be reopened at a future date, when new or additional information is received.

Withdrawn: The complainant affirmatively indicated the desire to withdraw the complaint. The complainant will be required to sign a Complaint Withdraw Form (RF #2017-10). The signed Withdrawn Form must be included in the case file.

If an employee is found to have acted improperly, the appropriate disciplinary action will be taken. Although we cannot guarantee that you will be satisfied with the outcome, we do guarantee that your inquiry/complaint will be thoroughly investigated. Should you have any questions, please contact the Internal Affairs Section at (305) 835-2000.

Internal Affairs
5040 NW 7th Street, 9th Floor
Miami, FL 33126
(305) 835-2000

Civilian Investigative Panel (CIP)
970 SW 1st Street, #305
Miami, FL 33130
305-960-4950

CERTIFIED MAIL

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE #

Dear Mr. :

The Internal Affairs Section is in receipt of your complaint. of the Internal Affairs Section will conduct the investigation. will be contacting you should any additional information be required.

If you have any questions regarding the status of your complaint, may be contacted at (305) 835-2000, Monday through Friday. The office hours are from 8:00 a.m. to 5:00 p.m. If the sergeant is unavailable when you call, please leave a contact number where you can be reached.

Thank you for bringing this matter to our attention.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:lrd

INTERNAL AFFAIRS SECTION

STANDARD OPERATING PROCEDURES

S.O.P. 2

SUBJECT: IAPRO DATA ENTRY

PURPOSE: To provide a standard guideline when entering information related to IAPRO case management software, for tracking and documenting police personnel actions. IAPRO meets the demanding needs of law enforcement on all matters related to the errant behavior of employees. It will document all Citizens Complaints, Response to Resistance, Discharges of Firearms, Reprimands, and K-9 Bite Reports into the Internal Affairs Section mainframe.

SCOPE: This software assists in the tracking and managing of cases and identifying employees with possible behavioral issues. IAPRO offers a number of time-saving features to help investigators meet specified criteria with just a few clicks of the mouse. Automatic reminders are displayed when pre-assigned tasks are due.

IAPRO software integrates with Microsoft Word and documents can be assessed directly. Forms can be created and completed automatically, saving time and reducing the chance of error. IAPRO can also link scanned documents and digital images directly into the incident folders.

IAPRO offers a range of built in incident warning features to provide the Internal Affairs Section with self-defense monitoring mechanisms.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 2
(Continuation)

SCOPE: This procedure will serve as a guide when performing the data entry function for IAPRO.

I. Computer Access

1. Personnel assigned to the Internal Affairs Section will obtain computer access from the administrator of the IAPRO software immediately upon being transferred to the section.
2. Access to the Internal Affairs software will be accomplished through the computer server located within the Internal Affairs Office complex.

II. Investigator Workflow

1. INPUT (initial intake of complaint) – including the 121
2. SUPERVISOR'S initial review
3. COMMANDER REVIEW & ALLEGATION ASSIGNMENT
4. SUPERVISOR'S CASE ASSIGNMENT
 - (a) MAILBOX ROUTING – to Administrative Unit for case file creation
5. INVESTIGATOR initiates work/investigation on incident/case
6. CASE COMPLETION REVIEW
 1. Sergeant
 2. Lieutenant
 3. Major
7. FINAL DISPOSITION ADMINISTRATIVE UNIT
8. INPUT

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 2
(Continuation)

1. Be sure to put received time
2. There is no IA case # at this point
3. Include case #, if available (you can log into the PremierOne system and retrieve the incident report if you choose to).
4. Complete summary for "121" in the summary task & mail section on the new complaint wizard screen
5. Include current date, time, and incident address and NET area, complete every box that you have information for. Don't forget to select the link buttons when appropriate.
6. Complete citizen arrest indicator then hit finish
7. Print hard copy of the "121" for the case file the Administrative Clerk Unit has to produce.
8. Case incident report can be added by right clicking on word document, then hit transfer and link existing word document.
9. Send to administrative sergeant via mailbox routing.

III. 121 (template with bookmarks, information from input will appear on "121")

1. Go to the "What's New" icon on the left of your screen
2. Retrieve newly entered incident, right click on word document, then choose "add/link new word template form" select and create 121 form from template on "U:" drive section under the "FORM FOLDER" then click "Investigation Form Folder" then click 121.doc file template. Some complaint information entered in the "input" section will be automatically completed on the 121 form. The template (121) should appear on "choose template" hit the button on the upper right. Click "fill-in and display button," a word document button should appear asking to enter a description linked word template document, in this space, type "121" (only), then hit okay. Hit the small button X at the top of this screen to exit out of this document. Your complaint input page will reappear to the complaint wizard screen, and your document (121) will appear under the word document on the tree.

IV. Supervisor's initial review

1. Log in and select your mailbox

- 4 -

STANDARD OPERATING PROCEDURES: S.O.P. 2
(Continuation)

2. Right click to view routings
3. Double click to access incident
4. After all reviews and corrections are completed, hit “add new routing” to send to Lieutenant for allegation.
5. Right click to remove routing from your mailbox.

V. Commander Review

1. Log in and select your mailbox
2. Right click to access routing feature
3. Review summary and add allegations
4. Hit the icon “add new mailbox routing” to send case back to Supervisor/Sgt to assign to investigators

VI. Case Assignment

1. Access mailbox Supervisor/Sergeant, double click on routing to access incident
2. Go to “assignment status,” tab on incident folder
 - Assign investigator
 - Assign unit
 - Assign IA case #
 - Change status to active
 - Key assign date
 - Route to Administrative Unit for case creation and to the assigned investigator

VII. Administrative Clerk Unit – “Case Folder Creation”

- Access through the Administrative Unit mailbox
- Double click on incident
- Create task “Folder create” and check completed
- Proceed to complete a normal a case file

VIII. Investigator Initiates work/investigation

- Access mailbox
- Double click to access incident

- 5 -

STANDARD OPERATING PROCEDURES: S.O.P. 2

(Continuation)

- Start working your case/investigation
- Link all associated statements & documents

IX. Final Disposition

1. Access incident once the case is completed
2. Close out all allegations with findings
3. Change status to complete
4. Enter incident disposition
5. Review original assignments
6. Review classification
7. Link final summary report

X. Anti-Corruption Unit (ACU) ACCESS LEVEL 2INPUT

1. Enter all cases/investigations (Intelligence Icon) as level 2 as access level for new incidents. Click levels 2 on the access level tool button. This feature is very important to maintain the integrity of your confidential investigations. A level 2 access is only available to personnel assigned to the Anti-Corruption Detail.
2. Complete all required functions. Instead of clicking the 121 template, click the 301 template. Complete your summary of the investigation you are working on. Once your summary is completed, use the task & mail section, to email to your supervisor.
3. Once the supervisor reviews and corrections are completed, hit add new routing to send to the Lieutenant and the investigation assigned.
4. It's at this time the supervisor and/or the Lieutenant will determine whether this case should be lockout (top of the tool bar feature keys, click out). Only the investigator assigned, supervisor and lieutenant will be able to access the case.
5. Investigators- utilize the "*add/link new word template*" function to chronology (document) your investigation. You will be able to make daily entry and updates (301) on your case at all times. By keeping a

- 6 -

STANDARD OPERATING PROCEDURES: S.O.P. 2

(Continuation)

management, the supervisor will have access to the case at-a-glance to monitor the progress.

6. When entering a case under complainant, *enter the "CI number only*, never a name. All "CI" information will be documented and kept separately in the vault. Remember never divulge a "CI" name on any documents.
7. If an investigator does any documentation on a case for another investigator, once you complete your 301 or whatever documentation (ex: interviewed the informant again or another suspect), email the investigator.
8. Always start your 301 or documentation with the date, (ie.06/23/05-met with informant #30021, they stated), then email this information to the lead investigator.
9. Once the lead investigator retrieves the information and reviews it, the information should be included in the case documentation by right clicking *Linked files*.
10. The investigator can then assign the 301 (ex. 301-1 or 301a) a number or an alphabet with whatever number system they have to chronology their case file.
11. Once the case is completed and becomes an administrative case, simply click the link icon and enter the case number, the case will be linked.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 3

SUBJECT: INTERNAL AFFAIRS INVESTIGATION PROCESS & SUMMARY REPORT

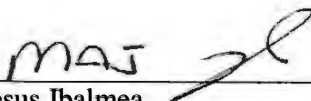
PURPOSE: To provide guidelines and procedures for the reporting of Internal Affairs Investigations.

SCOPE: To clearly explain the necessity for thorough, fair, error-free documentation.

1. Overview

- A. It must be borne in mind that every Internal Affairs Investigation has the potential for notoriety, can be heard by a variety of appeals where testimony under oath may be recorded and transcribed, and can profoundly affect an employee's private and professional circumstances. All personnel complaints, to varying degrees, have an impact throughout the organization, and often beyond.

- B. Therefore, in reviewing an investigation preparatory to writing the final summary, it is essential that a critical, objective analysis be made of the facts which are supportable by substantial evidence or by unimpeachable, unbiased witnesses, or both.



Jesus Ibalmea
Major
Internal Affairs Section

11/27/17

Effective Date

Revised 11/15/17

STANDARD OPERATING PROCEDURES: S.O.P. 3

(Continuation)

- C. It is not sufficient to cursorily examine an investigation and reach conclusions based on conjecture, i.e., inferences based on defective or presumptive evidence, or conclusions deduced by surmise or guesswork. Moral courage to set forth conclusions based on supportive facts independent of contrary views expressed by department members of superior rank, is required.
- D. In no instance shall the department's policy of absolute fairness be compromised for expediency. An investigation is a search for truth and all related reports must, with total accuracy, reflect the facts established by the investigation.
- E. A final report of a sustained case shall be submitted for review by the Internal Affairs Section Commander, only when the assigned investigator is satisfied the report represents a completed case; i.e., it is thorough, concise and accurate, and nothing further need be done by the reader beyond perusing it to gain a clear and vivid picture of the totality of circumstances surrounding the incident and unquestioned proof that the allegations charged are supportable in a review process.

11. Introduction

- A. There are no shortcuts to writing a lucid case report. A thorough understanding of the case is required before valid conclusions can be reached. This can best be achieved by first reading the ENTIRE CASE, including statements, and examining all case items. This must be done with a critical eye; you are searching for deficiencies or weaknesses in the case. If none are discerned, you are certifying the case is suitable for scrutiny by a review and appeals process.
- B. When errors are perceived, appropriate corrective action must be considered. It is your responsibility to note said deficiencies and submit them in writing with your recommended action for discussion with the Internal Affairs Section Commander. In some instances, an evaluation of the overall effect of the noted deficiencies may dictate a decision that they are too insubstantial to warrant a delay in case completion, but this is a decision the Internal Affairs Section Commander should make.
- C. In no instance shall the quality of the investigation be compromised by the severity or lenience of a possible penalty, or by the assumption the accused will accept the recommended findings.

- D. You are admonished to regard every case as a prospective Civil Service case. If the investigation is not up to the rigid standards of Internal Affairs, it shall be considered unacceptable.

III. Reporting Formats

- A. Standard Format - To be used as the normal format for reporting all Internal Affairs complaints or initiated investigations.
 - 1. Allegations: A brief synopsis of the relevant facts and the specific acts complained about to include the who, what, when and where.
 - 2. Persons Interviewed: A list of persons interviewed in order of being interviewed, with addresses and telephone numbers.
 - 3. Persons Not Interviewed: A list of persons that may have had information or were witnesses but were not interviewed for a reason that will be documented.
 - 4. Summary of the Investigation: Detailed synopsis and chronology of the investigation.
 - a. The process by which the investigation was conducted.
 - b. A summation of what occurred to include the specific source of information.
 - c. A reference to the status of other parallel investigations.
 - 5. Findings: (To include Basis)
 - a. Findings for each allegation or discovered violation will be classified as one of the following categories:

Exonerated

The investigation shows by virtue of "substantial evidence" that the complained of act(s) did not occur.

or

STANDARD OPERATING PROCEDURES: S.O.P. 3

(Continuation)

The investigation shows by virtue of "substantial evidence" that the act(s) did not constitute any violation of policy, orders or law and the member(s) are exonerated.

or

The investigation shows by virtue of "substantial evidence" that the member(s) used force in accordance with policy, orders and law and their action(s) are justified.

Not Sustained

The investigation cannot show by virtue of "substantial evidence" that the complained of act(s) occurred and the investigation cannot show by virtue of "substantial evidence" that the complained of act(s) did not occur.

Sustained

The investigation shows by virtue of "substantial evidence" that the complained of act(s) occurred and that the act(s) constitute violations of policy, orders, and/or law.

Information Only

The complaint alleged has been filed but cannot proceed. Case can be reopened at a future date when new or additional information is received.

b. Basis

Numerical listing of the facts that were drawn from the investigation, in support of the findings.

IV. Reporting the Progress of an Investigation

- A. Reporting the progress of the investigation includes the documentation of the activities of the investigator to bring the case to a successful conclusion. This progress should be documented on a Chronological Investigative Notes (R.F. 2017-6) (SOP 3 Annex 1).

- B. An investigator will report the weekly progress of his investigation on all cases assigned which are overdue and report monthly the progress of all long term investigations.

V. Law Enforcement Officer's Bill of Rights (FSS 1 12)

- A. It is the responsibility of all Internal Affairs investigators to follow the current Florida Statute regarding the Police Officers Bill of Rights.
 - 1. Investigators assigned to the Internal Affairs Section will conform to and conduct all investigations, taking of statements, etc., in accordance with the current Police Officers Bill of Rights under Florida State Statute 112.531.
 - 2. Investigators assigned to the Internal Affairs Section will be knowledgeable with the Police Officers Bill of Rights.

VI. Notification

- A. An entry that the complainant has been notified of the results of the investigation, the date, time, and method of notification, should be recorded. Telephonic, or personal contact can be made. A certified letter advising the complainant of the outcome of the investigation will be sent on all cases, unless the complainant is the City of Miami.

VII. Possible Criminal Charges

- A. When an investigation reveals facts which would substantiate or tend to substantiate criminal misconduct by an employee, members of the Internal Affairs Section will immediately notify the Section Commander. In each case where criminal conduct is discovered or suspected by members of the Miami Police Department, the investigation is taken to the State Attorney's Office for their review. Further action is then predicated by the advice and direction of the State Attorney. No member of the Miami Police Department is permitted the latitude or discretion of suppressing evidence or criminal conduct, regardless of who is suspected.

VIII. Policy for Consideration of Perjury Charges

STANDARD OPERATING PROCEDURES: S.O.P. 3

(Continuation)

- A. There are two types of cases in which the Internal Affairs Section may be concerned about perjury charges.

These are: When complainants falsely testify on sworn statements, and when police personnel falsely testify on sworn statements.
- B. The standard of proof in either case is the testimony of two credible witnesses as opposed to the testimony of the suspected perjurer.
- C. Of course, when facts and circumstances of the case support the contentions against the suspected perjurer, those facts and circumstances assist in building the credibility of the witnesses against the suspect.
- D. The other method of building the needed credibility of the witnesses is for those witnesses to give the State Attorney's Office a sworn statement of the issues of the matter, while waiving their immunity on the matter.
- E. Police personnel nor complainants can be compelled to waive Immunity.
- F. In cases where either police personnel or complainants falsely and maliciously make untrue material sworn statements, the State Attorney's Office will be contacted.

STANDARD OPERATING PROCEDURES: S.O.P. 3

(Continuation)

CERTIFIED MAIL:

Joe Johnson
1234 N.W. 5 Avenue
Miami, FL 33125

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE #17-001

Dear Mr. Johnson:

The Internal Affairs Section is in receipt of your complaint. Sergeant John Smith of the Internal Affairs Section will conduct the investigation. He will be contacting you should any additional information be required.

If you have any questions regarding the status of your complaint, Sergeant Smith may be contacted at (305) 835-2000, Monday through Friday. The office hours are from 8:00 a.m. to 5:00 p.m. If the sergeant is unavailable when you call, please leave a contact number where you can be reached.

Thank you for bringing this matter to our attention.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P. 3
(Continuation)

CERTIFIED MAIL:

Joe Johnson

1234 N.W. 5 Avenue
Miami, FL 33125

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE # 17-001

Dear Mr. Johnson :

This letter serves as a follow-up on the status of your complaint, which was filed on June 30, 2011. We are actively investigating this case, gathering information, statements, facts and all other pertinent information needed in order to make a final decision on the findings of this complaint.

If you have any questions or concerns, please do not hesitate to contact Sergeant Smith at (305) 835-2000.

Thanking you in advance for your patience and understanding.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P.

(Continuation)

CERTIFIED MAIL:

Joe Johnson
1234 N.W. 5 Avenue
Miami, FL 33142

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE # 17-001

Dear Mr. Johnson:

The Internal Affairs Section is in receipt of your complaint. Although the Internal Affairs Section will monitor it, your complaint has been referred to the Field Operations Division, Specialized Operations Section, for appropriate action. A supervisor from that Division will contact you should any additional information be required.

If you have any questions or concerns regarding the status of your complaint, contact Major Jose Gonzalez, Commander of the Specialized Operations Section, at (305) 579-6181, Monday through Friday. The office hours are from 8:00 a.m. to 5:00 p.m.

Thank you for bringing this matter to our attention.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P. 3
(Continuation)

CERTIFIED MAIL:

Joe Johnson
1234 N.W. 5 Avenue
Miami, FL 33142

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE # 17-001

Dear Mr. Johnson:

This letter serves as a follow-up on the status of your complaint, which was filed on July 10, 2011. The Specialized Operations Section is actively investigating this case, gathering information, statements, facts and all other pertinent information needed in order to make a final decision on the findings of this complaint.

If you have any questions or concerns, please do not hesitate to contact Sergeant John Smith at (305) 835-2000.

Thanking you in advance for your patience and understanding.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P. 3
(Continuation)

CERTIFIED MAIL:

Mr. Joe Johnson
1234 N.W. 5 Avenue
Opa Locka, Florida 33156

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE #17-001

Dear Mr. Johnson,

The Miami Police Department Internal Affairs Section has completed its investigation of the above complaint. The findings for the allegation of MISCONDUCT is INCONCLUSIVE, because insufficient evidence exists to either prove or disprove the allegation.

Should you wish to discuss the disposition of your complaint, please contact Sergeant John Smith at (305) 835-2000 between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. If Sergeant Smith is unavailable when you call, please leave a contact number where you can be reached.

Thank you for your assistance and cooperation in this matter. Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P. 3
(Continuation)

CERTIFIED MAIL:

Mr. Larry Daniels
1940 N.W. 3 Street
Miami, Florida 33127

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE 11-678

Dear Mr. Daniels:

The Miami Police Department Internal Affairs Section has completed its investigation of the above complaint. The findings for the allegation of MISCONDUCT have been CLEARED because the investigation revealed that the officers' actions were within departmental guidelines.

Should you wish to discuss the disposition of your complaint, please contact Sergeant John Smith at (305) 835-2000, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. If the sergeant is unavailable when you call, please leave a contact number where you can be reached.

Thank you for your assistance and cooperation in this matter. Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P. 3
(Continuation)

CERTIFIED MAIL:

Maria Moreno
1232 S.W. 11 Street
Miami, Florida 33138

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE #17-001

Dear Ms. Moreno,

The Miami Police Department Internal Affairs Section has completed its investigation of the above complaint and has determined that the findings for the allegation of MISCONDUCT are SUBSTANTIATED. The appropriate corrective action has been taken.

If you have any questions or concerns, please contact Sergeant John Smith of the Internal Affairs Section at 305-835-2000, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. If Sergeant Smith is unavailable when you call, please leave a contact number where you can be reached.

Thank you for your assistance and cooperation in this matter.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

STANDARD OPERATING PROCEDURES: S.O.P. 3
(Continuation)

CERTIFIED MAIL

Mr. Christopher Smith
123 N.E. 28 Street
Miami, FL 33138

REFERENCE: MIAMI POLICE INTERNAL AFFAIRS CASE #11-287

Dear Mr. Smith:

The Miami Police Department Internal Affairs Section reviewed your complaint. It was determined that the act complained of does not require additional investigation because the police officer did not violate any departmental regulations. The information you provided was documented and will be filed in the Office of Internal Affairs.

Thank you for your assistance and cooperation in this matter. If you should have any further questions, please contact Sergeant John Smith at (305) 835-2000 Tuesday through Friday, 8:00 am to 5:00 pm. If Sergeant Smith is unavailable when you call, please leave a contact number where you can be reached.

Sincerely,

Major Jesus Ibalmea
Commander
Internal Affairs Section
for Rodolfo Llanes
Chief of Police

Jl:xx cc: Civilian Investigative

Panel

CERTIFIED MAIL:

REFERENCE: NOTIFICATION OF RECEIPT OF COMPLAINT CASE #__-__

Dear Mr./Mrs./Ms. _____

The Internal Affairs Section is in receipt of your complaint. Sergeant/ Investigator _____ of the Internal Affairs Section will conduct the investigation. Sergeant/ Investigator _____ will be contacting you, should any additional information be required.

If you have any questions regarding the status of your complaint, Sergeant/Investigator _____ may be contacted at (305) _____ through _____. The office hours for the Internal Affairs Section are 8:00 am to 5:00 pm. If the sergeant/ investigator is unavailable when you call, please leave a contact number where you may be reached.

Thank you for bringing this matter to our attention.

Sincerely,

Commander
Internal Affairs Section
for

Chief of Police

cc: Civilian Investigative Panel

CERTIFIED MAIL:

REFERENCE: STATUS REPORT CASE #____-____

Dear Mr./Mrs./Ms._____

This letter serves as a follow-up on the status of your complaint, which was filed on _____ . We are actively investigating this case, gathering information, statements, facts, and all other pertinent information that is needed to make a final decision on the findings of this complaint.

If you have any questions or concerns, please do not hesitate to contact Sergeant/Investigator _____ at (305) _____ through _____ . The office hours for the Internal Affairs Section are 8:00 am to 5:00 pm.

Thank you in advance for your patience and understanding in this matter.

Sincerely,

Commander
Internal Affairs Section
for

Chief of Police

CERTIFIED MAIL:

REFERENCE: NOTIFICATION OF DISPOSITION CASE # ____-____

Dear Mr./Mrs./Ms.:

The Miami Police Department Internal Affairs Section has completed its investigation of the above complaint. The finding(s) for the allegation of _____ is/are because,

Should you wish to discuss the disposition of your complaint, please contact Sergeant/Investigator _____ at (305) _____ between the hours of 8:00 am to 5:00 pm. If Sergeant/Investigator _____ is unavailable when you call, please leave a contact number where you may be reached.

Sincerely,

Commander
Internal Affairs Section
for

Chief of Police

The 2017 Florida Statutes

Title X

PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

Chapter 112

PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

112.531 Definitions.—As used in this part:

(1) "Law enforcement officer" means any person, other than a chief of police, who is employed full time by any municipality or the state or any political subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff pursuant to s. 30.07.

(2) "Correctional officer" means any person, other than a warden, who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in s. 943.10(3). However, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

History.—s. 1, ch. 74-274; s. 1, ch. 75-41; s. 34, ch. 77-104; s. 1, ch. 82-156; s. 1, ch. 89-223; s. 1, ch. 93-19; s. 3, ch. 2000-161.

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS
WHILE UNDER

INVESTIGATION.—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she must be informed of the names of all complainants. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights before commencing the interrogation.

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she has the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) COMPLAINT REVIEW BOARDS.—A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers

whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) **CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.**—Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed. This section does not establish a separate civil action against the officer's employing law enforcement agency for the investigation and processing of a complaint filed under this part.

(4)(a) **NOTICE OF DISCIPLINARY ACTION.**—A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.

(b) Notwithstanding s. 112.533(2), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(5) **RETALIATION FOR EXERCISING RIGHTS.**—No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

(6) **LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.**—

(a) Except as provided in this subsection, disciplinary action, suspension, demotion, or dismissal may not be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within 180 days after the date the agency receives notice of the allegation by a person authorized by the agency to initiate an investigation of the misconduct. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after the date the agency received notice of the alleged misconduct, except as follows:

1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer or correctional officer.
2. The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.

3. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period is tolled during the period of incapacitation or unavailability.
4. In a multijurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.
5. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.
6. The running of the limitations period is tolled during the time that the officer's compliance hearing proceeding is continuing beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by the agency.

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the predisciplinary response of the officer.

Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

History.—s. 2, ch. 74-274; s. 2, ch. 82-156; s. 2, ch. 93-19; s. 721, ch. 95-147; s. 1, ch. 98-249; s. 1, ch. 2000-184; s. 1, ch. 2003-149; s. 3, ch. 2005-100; s. 1, ch. 2007-110; s. 1, ch. 2009-200.

112.533 Receipt and processing of complaints.—

(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.
2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"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 of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)l. Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer must within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(2)(a) A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or

2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges. Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury.

If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and non-incarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.—s. 3, ch. 74-274; s. 3, ch. 82-156; s. 1, ch. 82-405; s. 1, ch. 83-136; s. 1, ch. 87-59; s. 2, ch. 89223; s. 1, ch. 90-32; s. 31, ch. 90-360; s. 3, ch. 93-19; s. 722, ch. 95-147; s. 39, ch. 96-406; s. 2, ch. 98-249; s. 2, ch. 2000-184; s. 2, ch. 2003-149; s. 33, ch. 2004-335; s. 42, ch. 2005-251; s. 2, ch. 2007-110; s. 1, ch. 2007-118; s. 2, ch. 2009-200.

112.534 Failure to comply; official misconduct.—

(1) If any law enforcement agency or correctional agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply. For purposes of this section, the term "law enforcement officer" or "correctional officer" includes the officer's representative or legal counsel, except in application of paragraph (d).

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

(b) If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer or correctional officer, the officer shall request the agency head or his or her designee be informed of the alleged intentional violation. Once this request is made, the interview of the officer shall cease, and the officer's refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.

(c) Thereafter, within 3 working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

(d) Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county, or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

(e) It is the responsibility of the compliance review panel to determine whether or not the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents, and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.

(f) The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer.

(g) If the alleged violation is sustained as intentional by the compliance review panel, the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position.

(2)(a) All the provisions of s. 838.022 shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

History.—s. 4, ch. 74-274; s. 35, ch. 77-104; s. 1, ch. 78-291; s. 4, ch. 82-156; s. 4, ch. 93-19; s. 3, ch. 2000-184; s. 8, ch. 2003-158; s. 3, ch. 2009-200; s. 5, ch. 2011-4; s. 6, ch. 2016-151.

112.535 Construction.

The provisions of chapter 93-19, Laws of Florida, shall not be construed to restrict or otherwise limit the discretion of the sheriff to take any disciplinary action, without limitation, against a deputy sheriff, including the demotion, reprimand, suspension, or dismissal thereof, nor to limit the right of the sheriff to appoint deputy sheriffs or to withdraw their appointment as provided in chapter 30. Neither shall the provisions of chapter 93-19, Laws of Florida, be construed to grant collective bargaining rights to deputy sheriffs or to provide them with a property interest or continued expectancy in their appointment as a deputy sheriff.

Garrity Statement

This questioning concerns administrative matters relating to the official business of the police department and your police job-related duties. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, your self-incriminating statements will not be used against you in any criminal proceeding, except a prosecution for perjury.

Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in a criminal court of law, you are ordered to answer the following questions fully and truthfully.

If you have any questions concerning what I have just said, you have the right to ask your attorney or employee representative for advice.

You are now ordered to answer the following questions.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

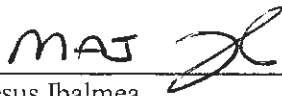
S.O.P. 4

SUBJECT: INTERNAL AFFAIRS SECTION LOGS AND FILING SYSTEMS.

PURPOSE: To establish systems for the receiving, reporting, recording, and filing of all Internal Affairs case information.

SCOPE: Provides for the proper procedures in indexing and filing various forms of information received by the Internal Affairs Section.

- I. The Internal Affairs Section will maintain various reports, logs, indexes and files.
 - A. Employee Internal Affairs (IA) Profile.
 - 1. Each police department employee, upon being given a Personal Identification Number (P.I.N.), automatically becomes a part of the Internal Affairs Computerized Profile System. The profile contains the following information:
 - a. Date the complaint was filed.
 - b. Rank of employee.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 4

(Continuation)

- c. Job assignment.
 - d. Log number (Reprimands, Response to Resistance, and Discharge of Firearms).
 - e. Internal Affairs case number.
 - f. Description (allegation, discipline recommended, address where incident occurred, etc.).
 - g. Action (findings, discipline final action, type of incident).
2. See S.O.P. 5, Annex 1.
- B. Complaint Log.
1. The Complaint Log is maintained for quick and easy reference. The Complaint Log contains the following information (see S.O.P. 5 Annex 2):
 - a. Date and time received
 - b. Complainant's name
 - c. Complainant's phone number
 - d. Detective handling at the time of initial complaint
 - e. Disposition (121, referral to outside agency, no complaint, etc.)
- C. Response to Resistance Computer Index.
1. Information on sworn personnel involved in a Response to Resistance or Discharge of Firearms is indexed in IAPro. The index is maintained by the Administration Unit.
 2. Information on offenders who were subjects of Response to Resistance reports or Discharge of Firearms reports is indexed under the format of ISN1, Search Type O.

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 4

(Continuation)

3. See S.O.P. 5, Annex 3.
- D. Departmental Files.
1. Maintained as per the current Departmental Filing System Index.
- E. Visitors Log.
1. To be maintained by clerical personnel at the reception area.
 2. The log will contain the following information:
 - a. Date.
 - b. Name.
 - c. Address.
 - d. Time In.
 - e. Remarks.
 3. See S.O.P. 5, Annex 4.
 4. The Visitors Log Master Copy can be destroyed as per State of Florida General Records Schedule.
- F. Relieved of Duty Log/Administrative Reassigned.
1. To be maintained by the Administrative Officer and clerical personnel. This log will capture the following information:
 - a. Name.
 - b. Internal Affairs case.
 - c. Date relieved.
 - d. Investigator.
 - e. Date of reprimand.
 - f. Date reprimand served.

- 4 -

STANDARD OPERATING PROCEDURES: S.O.P. 4
(Continuation)

- g. Comments.
 - h. Race, sex, assignment.
 - i. Incident number.
 - j. Date charged.
 - k. Prosecutor
 - l. Date of D.D.R.B.
 - m. Date D.D.R.B. convened.
 - n. Rank and administrative charge.
 - o. Court case number.
 - p. Date removed from R.O.D.
 - q. Date action sent to chief.
 - r. Date action signed by chief.
2. See S.O.P. 4, Annex 5.
- G. Discharge of Firearms Log.
- 1. This log contains quick reference information concerning Discharge of Firearms for a particular year. The log will monitor the following:
 - a. IA #
 - b. Case #
 - c. Date of incident
 - d. Time of incident
 - e. Location of incident
 - f. Officer's involved, P.I.N., officer assignment

- 5 -

STANDARD OPERATING PROCEDURES: S.O.P. 4
(Continuation)

- g. Subject involved, race, sex
 - h. Investigators
 - i. On duty
 - j. Type of discharge, type of firearm discharged, # of shots fired, Officer discharged
 - k. Number of subjects fatal, number of subjects wounded, Officers shot at
 - l. Subject armed, Shooter, Shooter in vehicle
 - m. Administrative case justified, Criminal charges, justification, Synopsis, Date sent to FARB, Date reviewed & findings
2. See S.O.P. 5, Annex 6
- H. Internal Affairs Case Tickler System:
- 1. This log will be maintained by Administrative Unit Personnel and will be used to monitor due dates on completed investigations sent to other Divisions for review and for investigations to be done by other Divisions. The log sheet will contain the following information:
 - a. Project number.
 - b. Reference Type.
 - c. Priority.
 - d. Received from.
 - e. Date received.
 - f. Due date.
 - g. Subject.
 - h. Description.

- 6 -

STANDARD OPERATING PROCEDURES: S.O.P. 4
(Continuation)

- i. Comments.
2. Extensions will be granted in weekly increments in the following manner:
 - a. First extension, no approval necessary.
 - b. Subsequent extensions will be requested in writing from the requester's Commander to the Internal Affairs Major.
3. See S.O.P. 5, Annex 7.

Concise Officer History

Police Ofc [REDACTED] ([REDACTED])

PIN: [REDACTED] Hire date: [REDACTED]
 Current assignment(s):
 Division: FOD
 Section: Patrol "South"
 Unit:

Involved Officer: Citizen complaint

IA No: C17-[REDACTED]
 Case No: [REDACTED]

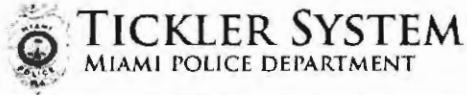
Received: Jun 28, 2017 15:00

Allegations:

Negligence of Duty - - Unsupported - Oct 12, 2017
 Discourtesy - - Unsupported - Oct 12, 2017

Report summary: totals by incident type:

Incident type	Received
Administrative Complaint	0
Administrative Memos	0
Citizen complaint	1
Counseling (EWS)	0
Discretionary arrest	0
Driving Complaints	0
Drug test	0
Firearm discharge	0
Forced entry	0
Home Checks	0
Information Only (301)	0
Information Only (EWS)	0
Integrity Checks	0
Integrity test	0
Intelligence	0
K9 Utilization	0
Lawsuits	0
Policy Failure	0
Radar Detail	0
Record of Formal Counseling	0
Relieve Reassigned	0
Relieved of Duty	0
Reprimand	0
Show of force	0
Stop	0
Terminations	0
Training (EWS)	0
Use of force	0
Vehicle accident	0
Vehicle pursuit	0
Total	1



Home | Project | Administration

Tickler Search					
Project ID	<input type="text"/>	Reference	<input type="text"/>	Rec From	<input type="text"/>
Rec Date From	<input type="text"/>	To	<input type="text"/>	Subject	<input type="text"/>
Type	<input type="text" value="Any Type"/>	Priority	<input type="text" value="Any priority"/>	Status	<input checked="" type="radio"/> Open <input type="radio"/> Closed <input type="radio"/> All
Assigned To:		Section	<input type="text" value="Any Section"/>	Unit	<input type="text" value="Any Unit"/>
Division	<input type="text" value="Any Division"/>				
PIN	<input type="text"/>				
<input type="button" value="Search"/>		<input type="button" value="Clear"/>			

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 5

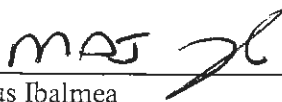
SUBJECT: CASE STATUS REVIEW

PURPOSE: To provide a standard review of overdue and closed cases, while maintaining file integrity.

SCOPE: It is the responsibility of all Internal Affairs members in maintaining the high standard of security and file integrity, during its overdue and closed case review.

I. Overdue Case Review

- A. Monthly - Review the Case Log and compile two lists.
 - 1. Overdue cases sent to other unit (30 days time period to complete).
 - 2. Cases assigned to and completed by Internal Affairs Detective (45 days time period to complete).
- B. Complete a memorandum for the Internal Affairs Section Commander to send to the Division Chiefs advising of overdue cases.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 5
(Continuation)

1. The memorandum will be a form memorandum, which will be sent monthly.
2. The memorandum will list:
 - a. Case number, allegation, officer(s), date sent, date due and numbers of days overdue.
3. Extensions needed to complete the investigation by other units will be requested via red line memorandum through channels or e-mail to the Internal Affairs Section Commander or designee assigned the responsibility of case manager.

II. File Integrity

A. Computer Indexing

1. All police department personnel, upon employment, will become part of the Internal Affairs Computer Profile System.
2. Profiles are public records which will be provided upon request by always using the "External" request code. Law Enforcement agencies and prosecutorial agencies are exempt from this function.
3. Profiles must be retained as per State of Florida Archives General Records Schedule.

B. Case Files - Internal Review

1. Case files under investigation will be reviewed only by the assigned investigator, Supervisor, Lieutenant, Internal Affairs Unit Commander, Internal Affairs Section Commander or Chief of Police.
2. Case files may be reviewed by Internal Affairs personnel and specific questions answered pursuant to transfers and promotions when approved by the Internal Affairs Section Commander or Chief of Police.
3. These reviews will be made in the Internal Affairs Office at the unit's convenience, but efforts will be made to accommodate inquirers.

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 5

(Continuation)

- C. Other Internal Affairs Section Records, logs and files.
 - 1. May only be reviewed with the permission of the Internal Affairs Section Commander or the Chief of Police.

III. Closed Case Review

- A. Public records request will be handled on a first come, first serve basis.
 - 1. Case files completed and approved by the Internal Affairs Section Commander are public records and subject to review by anyone filing the appropriate review request.
- B. Persons wishing to review closed case materials will make an appointment with the Administrative Unit's Assistant.
- C. The materials to be reviewed will be checked by the appropriate person, to identify exempt material (exemptions under F.S.S. 119). (Refer to S.O.P. 1, Annex 1)
- D. Materials deemed to be exempted will not be released.

IV. Review Procedures

- A. All persons, except those from authorized governmental, law enforcement, prosecutorial and judicial agencies will adhere to the below procedures.
 - 1. Public records requests will be made verbally or in writing at the Legal Advisor's Office. Records will not be produced unless prior authorization is obtained from the Assistant City Attorney, acting as the Police Department legal advisor.
 - 2. The Internal Affairs Section, front office space, will be used as the reviewing room.
 - 3. Explanation of Public Records exemptions, and coding for Internal Affairs allegations and dispositions, will be made.
 - 4. A brief orientation explaining the above information, the operations of the Internal Affairs Section and the format of case files, will be conducted by Administrative personnel.

- 4 -

STANDARD OPERATING PROCEDURES: S.O.P. 5
(Continuation)

5. All reviewing will be monitored by on duty Internal Affairs Administrative personnel.
6. All copies obtained will be paid for at the Records counter. Only the Public Defender's Office will be billed for services rendered.
7. All records leaving the Section will have every page stamped "I.A. Public Records

PUBLIC RECORDS EXEMPTIONS

The Internal Affairs Section of the Miami Police Department is in compliance with Chapter 119 of the Florida State Statutes dealing with Public Records. This chapter sets aside several areas that are exempt from public review. Those exemptions that are pertinent to Internal Affairs files are the following:

1. Active criminal intelligence information and active criminal investigative information.
2. Any information revealing the identity of confidential informants or sources.
3. Any information revealing surveillance techniques or procedures.
4. Any information revealing undercover personnel of any criminal justice agency.
5. Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other facts or information which reveals the identity of the victim of any sexual battery or child abuse.
6. Any criminal intelligence information or criminal investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime.
7. The home addresses, telephone numbers, and photographs of law enforcement personnel.
8. The home addresses, telephone numbers, photographs, and places of employment of the spouses, and/or children of law enforcement personnel.
9. The names and locations of schools attended by the children of law enforcement personnel.
10. All juvenile records, medical records, bank records and any exemptions provided for by general or special law.

For further details, see Chapter 119 of the Florida State Statute.

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 6

(Continuation)

II. Procedures for Logging and Tracking RRRs:

- A. Daily, Monday through Friday, the Internal Affairs Section will retrieve all draft copies of RRRs placed inside the Internal Affairs Response to Resistance Box located at Central District.
- B. Internal Affairs will date stamp and log all RRRs received by I.A.
- C. RRR drafts will be checked against the RRR Communications Log.
- D. If a RRR draft is received by Internal Affairs but, it is not logged in the Communications Section RRR Log, IAS will verify with the Communications Complaint Sergeant or his designee that the incident was properly reported. IAS will request that the Communications Section update the log as applicable.
- E. If the RRR log reflects that a RRR report was generated but, a draft of that report was not placed inside the Internal Affairs Response to Resistance Box, IAS will assign a tickler to the affected originating Division. The tickler will show a four (4) day suspense date (due date); the four calendar (4) days will be effective from the date of the RRR. The MPD Tickler System will assign an automatic project number.
- F. When a RRR draft is received, IAS will assign a tickler. The tickler will specify that the original RRR must be submitted to IAS with all appropriate signatures through channels. The tickler will show a 15 calendar day suspense date (due date); the 15 days will be effective from the date of the RRR. The MPD Tickler System will assign an automatic project number.
- G. When a RRR draft is received by IAS, the Internal Investigations Unit (IIU) Lieutenant or his designee will review the report for, among other key elements, accuracy, for policy and/or procedure violations, and to ensure that the supervisor's narrative deals with the justification and is not a repeat of the officer's narrative.
- H. When a RRR is reviewed by the IIU lieutenant and corrections are cited, the corrections required will be included in the comments section of the 15 day tickler.
- I. When the final/original RRR, with all required signatures, is submitted to IAS, the IIU lieutenant or his designee will review it. If any corrections noted during the initial review of the draft were not properly addressed or

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 6

(Continuation)

- J. When the final/original RRR, with all required signatures, is approved by the IIU lieutenant or his designee, the RRR will be closed in the City of Miami tickler system and entered into IAPro software.
- K. All final completed Response to Resistance Reports will be tracked through IAPro software in accordance to Internal Affairs SOP 15 and Departmental Order 2, Chapter 5.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 7

SUBJECT: DISCHARGE OF FIREARM

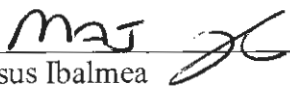
PURPOSE: To define the types of cases to be investigated and the procedures to be followed.

SCOPE: Investigation of police involved shootings, in custody deaths and life threatening injuries caused by police officers of the Miami Police Department.

- I. The Internal Affairs Section (IAS) will become part of the "Shooting Team" in all of the following cases.
 - A. All category 2, 3, 4, and 5 shootings (See Departmental Order 6, Chapter 21).

Category 1 (No Injury, Accidental, or Dangerous Animal): A discharge of firearm shall be investigated by the Internal Affairs Section. The commander of IAS or designee will assign a lead investigator from their section.

The Internal Affairs Section will be responsible for investigating any departmental or procedural violations associated with the officer involved in the incident.



 Jesus Ibalmea
 Major
 Internal Affairs Section

 11-27-17
 Effective Date

Revised 11/15/17

STANDARD OPERATING PROCEDURES: S.O.P. 7
(Continuation)

Category 2 (No Injury, Duty Related): A Category 2 discharge of firearm shall be investigated by the Homicide Unit. The Homicide Commander or designee will assign a lead investigator from their unit. The Homicide Unit will be responsible for investigating any criminal violations by any individual(s) against an officer. The Homicide Unit will only investigate the criminal aspect of the incident and any crime(s) and/or criminal activity directly or indirectly related to the incident.

The commander of IAS or designee will assign a lead investigator from their section. The Internal Affairs Section will be responsible for investigating any departmental or procedural violations associated with the incident. Additionally, it is the responsibility of the Internal Affairs Section to oversee the entire investigation as an independent body to ensure the integrity of the investigation and verify that all aspects of the process have been properly and fairly followed.

Category 3 (Injury, Accidental);

Category 4 (Injury Duty Related);

Category 5 (Death, Accidental or Duty Related): On a Category 3, 4 or 5 discharge of firearm the Florida Department of Law Enforcement (FDLE) will assume operational direction of investigations and forensic assistance or coordination as per the Memorandum of Understanding (MOU) agreement between the City of Miami and the FDLE.

The Homicide Unit will conduct the investigation related to any underlying criminal activity that preceded or occurred at the same time as the predicate act.

STANDARD OPERATING PROCEDURES: S.O.P. 7
(Continuation)

1. Any person shot or killed by a police officer while on or off duty, intentionally or unintentionally.
2. Any person who received life threatening or fatal injuries by a police officer.
3. Any person who died in police custody.
4. Any police related death where there is suspicion of criminal wrongdoing by a police officer.
5. If any of the foregoing cases occur outside the City of Miami, the investigation will be conducted by the agency having jurisdiction. However, IAS will monitor and assist whenever possible.
6. The Homicide Unit will be the lead on all Category 2, 3, 4 and 5 shootings.
7. The Internal Affairs Section will solely investigate accidental and aggressive animal discharges.

I. Composition of Shooting Team

1. The Lead Investigator will be a rotational sergeant as determined by the Internal Investigations Unit Commander.
 1. Upon notification of a shooting, the Internal Affairs Lieutenant shall contact the sergeant next in the rotation, along with the on-call and back up investigators.
 2. Additional personnel will be called in by the shooting team sergeant to assist.

II. Internal Affairs Investigator (Sergeant)

1. An Internal Affairs Investigator will be present for and observe all phases of the investigation.

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

2. The Internal Affairs Section Investigator is responsible for determining criminal violations and violations of administrative policies and procedures.

III. Internal Affairs Response

- A. The first Internal Affairs Supervisor/Investigator to arrive on the scene will be responsible for ensuring that the following actions are taken:
 1. The first Internal Affairs Supervisor/Investigator arriving on the scene will promptly notify the Internal Affairs Lieutenant.
 2. Upon notification of the shooting, the Internal Affairs Lieutenant will contact the investigator next in the rotation, along with the on-call and back up investigators, to respond to the command post.
 - a. A text message will be sent to all Internal Investigations Unit investigators advising of a police shooting and to monitor the Internal Affairs channel "3 IA 1."
 3. The Internal Affairs Lead Investigator and/or Commander will ensure that the Field Duty Lieutenant has established the appropriate perimeters upon arrival; inner, investigative, and outer.
 - a. The inner perimeter (shooting scene) will be limited to Crime Scene Investigations personnel, the required investigators from Criminal Investigations Division and Internal Affairs Section, State Attorney's Office and any other personnel identified by the Internal Affairs Commander.
 - b. The investigative perimeter will be where the initial briefings with Criminal Investigations Division and Internal Affairs Section personnel will occur.
 - c. The outer perimeter will be where all non-essential personnel will be restricted.
 4. The first Internal Affairs Supervisor/Investigator arriving on the scene will ensure the shooting officer is secluded and

STANDARD OPERATING PROCEDURES: S.O.P. 7
(Continuation)

- only in contact with (1) one union representative, limiting the officer's contact with others, i.e. shaking hands (excluding communication necessary for public safety purposes).
5. The Internal Affairs Commander, Lead Investigator or an Investigator will contact the Field Duty Lieutenant to obtain pertinent public safety related information such as, last direction of travel, direction of the firearm discharge, approximate shots fired, number of offenders at large, and the general area of the crime scene.
 6. Upon a determination being made by the Internal Affairs Lead Investigator and/or Commander, the Internal Affairs Supervisor/Investigator will remove the shooting officer from the scene of the discharge and transport him/her to the Internal Affairs office.
 7. At all times, the Internal Affairs Lead Investigator will be paired with the Lead Investigator from Homicide.
 - a. An Internal Affairs Lead Investigator will document all pertinent information.
 8. Internal Affairs Investigators will be paired with Homicide Investigators to assist promptly with an area canvass for additional witnesses and evidence.
 - a. Internal Affairs Investigators will ensure that they have access to their issued equipment (i.e. recording device, flashlight, etc.) with them at all times.
 - b. Once witnesses have been identified, police and civilian including those directly involved will be kept separated to assure witness integrity.

IV. Investigative Support Team

1. The Homicide Unit will work in conjunction with the Internal Affairs Section lead investigator to perform all necessary investigative and support functions.
2. The Crime Scene Investigation Unit on-duty technician and a supervisor or commander will be a part of the Shooting Team.

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

3. An on-duty Field Duty Lieutenant will be designated as a member of the Shooting Team on discharges involving Patrol NET personnel. The Patrol NET representative will be optional on Category 3 shootings, but mandatory on Category 4 and 5 shootings. If the affected officer is not assigned to patrol, the officer's commander or supervisor may be designated, if he/she is readily available, as indicated above.
4. State Attorney's Office Representative usually Chief (A.S.A.). Mandatory on all Category 3, 4, and 5 shootings.
5. Medical Examiner Representative (usually on-call Medical Examiner. Optional at Medical Examiner's choice on Category 3 shootings, but mandatory on Category 4 and 5 shootings.
6. Media Relations Unit Representative. Optional at Public Information Officer's choice on Category 3 shootings, but mandatory on Category 4 and 5 shootings.
7. Police Legal Advisor. Optional at Legal Advisor's choice on Category 3 shooting, but mandatory on Category 4 and 5 shootings.
8. Risk Management Representative. Mandatory on Category 3, 4, and 5 shootings.
9. Other Law Enforcement Representative(s). In the event that officers from any other Law Enforcement Agency (local, state or federal) are involved in the discharge of firearms incident, a command or management level official of that agency should be on the Shooting Team. Optional at agency's choice on Category 1, 2, or 3 shootings, but mandatory on Category 4 and 5 shootings. (Refer to the State Attorney's Memo of Understanding (M.O.U.) Agreement).
10. Incidents not involving Miami Police Personnel. The Shooting Team will not respond and the Homicide Unit will have sole and primary responsibility for investigating the incident.

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

11. City Law Department Investigator. The City Law Department Investigator will be notified on all Category shooting incidents. The investigator, in turn, will determine whether it is appropriate to notify the City Attorney or the appropriate person in the City Attorney's Office.

V. Homicide Unit Response

- A. The first on-duty Homicide investigator to arrive on the scene will be responsible for ensuring that the following actions are taken:
 1. The first on-duty Homicide member notified will promptly ensure that the Complaint Sergeant notifies all Shooting Team Members, the on-call Staff Duty Officer, and the on-call State Attorney.
 2. All on-duty Homicide personnel will immediately respond to the scene.
 3. On-duty Homicide Unit Investigators will be responsible for containing and holding the scene until the Shooting Team arrives.
 4. The scene will be roped off as wide and far as possible and all nonessential people removed.
 5. They will take control, as they size up the situation, of all witnesses, suspects, offenders, and officers involved in any way.
 6. They will utilize officers and investigators (not involved) to assist promptly with an area canvass for additional witnesses and evidence.
 7. All witnesses, police and civilian including those directly involved, will be kept separated (at the scene, on the way to the station, and at the station) to assure witness integrity.

VI. Internal Affairs Responsibilities

- A. A CSI Technician will respond to the shooting officer(s) location and collect the officer's weapon for processing, inspection, and

STANDARD OPERATING PROCEDURES: S.O.P. 7
(Continuation)

ballistics. Other evidence, which the Lead Investigator deems necessary to collect from the officer (i.e. gunshot residue swabs, uniforms, etc.); will also be collected at this time.

1. Once the shooting officer arrives at the Internal Affairs office (or location designated by the Internal Affairs Commander) with an Internal Affairs supervisor/investigator, a CSI Technician will respond to photograph the officer's attire, conduct a round count of and collect the weapon.
 - a. The Internal Affairs Lead Investigator or designee will be present during the count.
 2. When the Shooting Team collects an officer's weapon for processing, a replacement weapon along with the appropriate number of magazines and rounds will be issued immediately, unless a criminal violation is suspected.
- B. The shooting officer(s) will be scheduled for a Post Shooting Evaluation as soon as practical.
1. The shooting officer(s) as well as the NET Commander will be advised of the date and time of the appointment. The shooting officer will be administratively reassigned until such time that the officer has attended the post shooting evaluation and has been given the all clear by the Chief of Police.
- C. The Shooting Team Lead Investigator will continuously assess the need for additional support personnel.
1. They will call in other supervisors and additional investigators-as needed.
- D. The Shooting Team Lead Investigator will continuously coordinate activities and information at the scene, secondary scenes, hospitals, Homicide office, Medical Examiner's Office, State Attorney's Office, etc.
1. Shooting Team Investigators and other detectives will be stationed at such places, when necessary.
- E. All witnesses are to remain on the scene until the arrival of the Shooting Team. Special attention should be given to ensure that the witnesses are separated (at the scene, on the way to the station, and at the station) and removed from the inner perimeter of the immediate crime scene.

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

1. Once the Internal Affairs Section Shooting Team designee determines it is appropriate for the witnesses to clear the scene, they will then be transported to the Internal Affairs Section or the Investigations Division by a designated person(s).
 2. The following areas at the station will be utilized to separate people in a reasonably comfortable manner.
 - a. Investigations Division Conference Room, 5th floor
 - b. Criminal Investigations Section Interview Rooms, 5th floor
 - c. Training Classrooms, 3rd floor
 - d. Cafeteria, 3rd floor
 3. Consideration should be given, if necessary, to closing off all of the Investigations Division for witness privacy.
 4. The Shooting Team leader will request assistance from the Staff Duty Officer, if necessary, to help coordinate security control for police and civilian witnesses.
- F. The officer(s) who discharged their weapons or who were directly involved in the incident will be afforded a private area to meet with their attorney or union representative, if requested.
1. These officers will be prohibited from discussing the case with any other officers or anyone else while this phase of the investigation is in progress.

VII. Taking Sworn Statements

- A. Sworn statements shall be taken of all witnesses prior to attempting to obtain a statement from any officer discharging their weapon or directly involved in an in custody death or life threatening injury.
- B. Sworn Statement Procedures. The necessity to obtain sworn statements will exist in all category situations. The Lead Investigator or designee will be present for and take all sworn statements, whenever possible.

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

1. If there is a subject at large, a detective on a ten-hour, rotational basis will be paired with the involved Homicide team for the first forty-eight (48) hours.
- C. Persons Present during Sworn Statements. The number of persons present at a sworn statement should be limited. The presence of an excessive number of people will have an adverse affect upon the statement. The following are some of the people who may be present during the taking of a statement, depending on the circumstances and the discretion of the Shooting Team Commander.
1. Civilian witness or officer
 2. Stenographer
 3. Lead Investigator(s)
 4. Assistant State Attorney
 5. Officer's attorney or representative
 6. City Legal Advisor
- D. Miranda Warnings. The shooting team's lead investigator or designee will take officers' statements. Miranda Warnings shall not be given unless there is probable cause to believe a crime was committed and the officer is in custody. (This decision will be made with the advice and consent of the Assistant State Attorney).
- E. Voluntary Statements. Any and all officers involved in a police shooting, when providing a statement must be informed that the statement is not compelled, but is voluntary and that the Garrity rule is not in affect. The conditions of the statement must be clearly entered into the record.
- F. Officer's Attorneys/Union Representatives. Preserving the integrity of the investigation is of paramount importance. Therefore, attorneys and union representatives shall **not** be permitted to represent and converse with more than one officer.
- G. Confer with Assistant State Attorney. The police shooting team will confer with the on-scene Assistant State Attorney regularly regarding these issues and other aspects of the investigation. The police shooting team will also comply fully with the current

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

written "Police Shooting Policy" issued by the State Attorney's Office and adopted by the Miami Police Department.

VIII. Inter Agency and Intra Agency Coordination

- A. The Shooting Team Commander or designee shall be responsible for coordinating information with the following Shooting Team members:
 - 1. Shooting Team Lead Investigator and other Shooting Team personnel
 - 2. Medical Examiner
 - 3. Assistant State Attorney
 - 4. Media Relations representative
 - 5. Any other Shooting Team member

IX. News Media Coordination

- A. The Shooting Team Commander or designee will coordinate information with the Media Relations representative to develop all news releases. Shooting Team members will **not** issue news releases or handle personal interviews at the scene. The Shooting Team Commander or Chief of Police will handle all news releases and interviews.
- B. No Shooting Team member will release information on police related shootings to the media.

X. Response Critique

- A. Within forty-eight (48) hours, or as soon as practical, there will be a debriefing of the investigators that responded to the police involved shooting.
 - 1. At this time, all pertinent information will be relayed. The Lead Investigator will identify specific needs from response investigators.

XI. Case File Preparation

- A. The Lead Investigator will ensure that all 301 reports are completed and forwarded through the chain of command prior to the Post Police Shooting Review.

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

1. A copy of all 301s will also be emailed to the lead investigator.
- B. The Lead Investigator will ensure that a Shooting Team Case File is prepared and all reports are contained therein. All investigative and supplemental reports will be submitted through the Internal Affairs chain of command for review and endorsement. Shooting Team files will be stored in the Internal Affairs Section.
 1. The case file will include, but not be limited to the following:
 - a. Profile and information of the shooting officer
 - b. Profile and information on the offender(s), if appropriate
 - c. Witnesses
 - d. Response to Resistance (if appropriate)
 - e. On-scene log
 - f. Scene sketch
 - g. Property receipts
 - h. P sheets
 - i. Photos
 - j. Discharge of Firearms report
 - k. 121
 - l. Communications logs
 - m. Communications tapes from appropriate channel(s)
 - n. Incident reports
 - o. 301s
 - p. Vehicle information
 - q. Criminal Investigations reports
 - r. Crime Scene Investigations reports
 - s. Statements (audios)
 - t. Emails
 - u. Miscellaneous
 - v. Audit trail (Incident information from Communications)

STANDARD OPERATING PROCEDURES: S.O.P. 7
(Continuation)

- C. The Lead Investigator will ensure that all reports, statements, sketches, and submission of evidence to the lab are completed prior to the Post Police Shooting Review.
1. The required reports will be utilized to prepare the PowerPoint presentation, which may include, but not be limited to the following:
 - a. Cover page (outlining date & time, location, agency case number, IA case number, lead investigators from Internal Affairs, CID and CSI)
 - b. Sequence of Events (time line, explanation of events)
 - c. Victims/witnesses (statements)
 - d. Photos of Shooting scene
 - e. Shooting Officer (listing date of hire, assignment, last date qualified, previous discharges, Post Shooting evaluation)
 - f. Photos of Shooting Officer's attire (front/rear view, left/right view, duty belt)
 - g. Firearm (model number, serial number, round count, magazines)
 - h. Aerial view of incident location
 - i. Crime Scene sketch
 - j. Discharge location
 - k. Photos of strike marks, casings, and projectiles, if any
 - l. Offenders (DOB, home QTH, criminal history, current charges, statement)
 - m. Officer walkthrough or reenactment

XII. Post Police Shooting Review

- A. The Shooting Team leader will, whenever possible, schedule a critique of the incident with the following Shooting Team members to discuss all aspects of the case.
1. Lead Investigator and all concerned Shooting Team personnel
 2. State Attorney

STANDARD OPERATING PROCEDURES: S.O.P. 7

(Continuation)

3. Medical Examiner
 4. Crime Scene Investigation Unit Supervisor
 5. Dade County Crime Lab Technicians
 6. Commander of shooting officer
 7. Any other Shooting Team member
- B. The Shooting Team Lead Investigator will ensure that a copy of all reports and statements concerning the incident are prepared and submitted to the State Attorney at the Post Police Shooting Review.

XIII. Reenactment

- A. A reenactment of what occurred should take place while the events are still fresh and clear in the participant's mind. If a participant is unwilling or not able, a stand-in should be provided. The reenactment should be videotaped and photographed.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 8

SUBJECT: INCIDENT TRACKING SYSTEM (ITS).

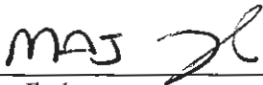
PURPOSE: To provide a procedure for the review of Complaints, Response to Resistance Reports, Discharge of Firearms, Canine incidents (K-9), Reprimands and any combination of the above; to identify employees who may be experiencing a certain trend of involvement in these types of incidents documented and monitored on a quarterly basis over a twelve month period.

SCOPE: A tracking system to indicate any possible behavior trends, through tracking Complaints, Response to Resistance Reports, Discharge of Firearms cases, Reprimands, Canine and overall combination.

I. Application based on Departmental Orders.

A memorandum to each Division Chief will be prepared and a copy of all memorandums will be sent to the Chief of Police and the Miami Police Legal Adviser on a quarterly basis, to include employees that have been flagged by the Internal Affairs data base system. The memorandum will consist of six sections and include the following:

A. Complaint Cases - ITS Section I.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 8

(Continuation)

1. A listing of all officers with two (2) or more complaints, with a finding of substantiated or inconclusive, within a twelve month period.
 2. Presented in the following format:
 - a. A statistical overview of the Incident Tracking System I monitored every quarter (three months).
 - b. The number of officers on the current list and the total number of complaints accumulated.
 - c. The number of officers that are repeaters.
- II. Response to Resistance - ITS Section II
- A. A listing of all officers involved as principals, in two (2) or more Response to Resistance incidents within twelve months.
 - B. Presented in the following format:
 1. A statistical overview of the Incident Tracking System II, monitored every quarter (three months).
- III. Reprimands - ITS Section III
- A. A list of all employees with two (2) or more reprimands within twelve months.
 - B. A statistical overview of the Incident Tracking System Section III, monitored every quarter (three months).
- IV. Discharge of Firearms - ITS Section IV
- A. A list of all officers with two or more Discharge of Firearms within the last (24) twenty-four months from date of incident.
 - B. A statistical overview of the Incident Tracking System Section IV, monitored every quarter (three months).
 - C. Summary sheets will be prepared for each officer who appears on the list.

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 8
(Continuation)

V. Canine K-9 Section – ITS Section V.

- A. A list of all officers with four or more dog bites incidents within a twelve (12) months period.
- B. Statistical overview of the Incident Tracking System Section V, monitored every quarter (three months).

VI. ITS Section VI Combination Incident Tracking System

- A. A list of all officers with three of any combination (Incident Tracking System I, II, III, IV, and V, substantiated or inconclusive within a twelve month period, monitored every quarter (three months).

VII. Follow-up Programs ITS

- A. Memoranda (see S.O.P. 9, Annex 1) will be sent to Section Commanders of all employees appearing on the ITS report quarterly.
- B. The Section Commander will ensure the employee's supervisor conducts a complete written review of all the employee's incidents listed on the ITS report. The review will take into account any indicators. At the conclusion of the review, the employee's immediate supervisor will produce a memorandum that contains the review details and makes corrective recommendations if necessary. Supervisor will follow the procedure outlined in departmental orders 2 chapter 5, starting at 5.6.3.1 when producing the memorandum.
- C. The Section Commander will review and approve the memorandum and conduct a mandatory conference with the involved employee and the supervisor. The results of said conference will be included in a separate written memorandum prepared for the Commander of Internal Affairs with the results of the conference stating specific actions taken for each employee appearing in any one of the six categories of the ITS report on a quarterly basis.

VIII. ITS Files

- A. The Internal Affairs Section will maintain complete ITS Files.
- B. The filing system will consist of:

- 4 -

STANDARD OPERATING PROCEDURES: S.O.P. 8

(Continuation)

1. Master Files for each type of ITS Section (i.e.: I, II, III and IV, V and VI), which will contain the copies of the ITS reports.
2. Individual Employee's files for employees appearing on the ITS Report.

IX. Distribution of Memorandum

- A. The ITS Report memorandum from Internal Affairs will be forwarded to each Division Chief, copies of which will be forwarded to the Chief of Police and the City of Miami's Police Legal Advisor.
- B. An annual analysis evaluating the ITS will be conducted and forwarded to the Chief of Police.
- C. An annual analysis of use of force will be conducted and forwarded to the Chief of Police.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 9

SUBJECT: PROCEDURES FOR RELIEVING OF DUTY.

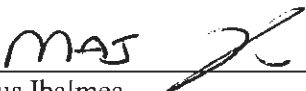
PURPOSE: To provide guidelines and methods for accomplishment of the Relieving of Duty of all personnel.

SCOPE: Any sworn member of the Internal Affairs Section may perform the function of relieving an employee of duty when directed to do so by the Chief of Police, his designee, and/or the Internal Affairs Section Major or designee.

I. These procedures will serve as a guide to properly conduct the Relieving of Duty, the Relieved/Reassigned, and the Administratively Reassigned process.

A. Relieving of Duty (at home): It will be the responsibility of the Internal Affairs Section to relieve personnel of Duty. Personnel placed on this status will be provided with a Relieved of Duty memorandum (S.O.P. 10, Annex 1) indicating their new responsibilities. When it becomes necessary to relieve an employee of duty, it will be done pursuant to the below listed instructions:

1. Per D.O. 1 Chapter 11.6.16.3 - Relieved of Duty (at home): A ranking officer will Relieve of Duty, with pay, any subordinate employee when:



 Jesus Ibalmea
 Major
 Internal Affairs Section

11-27-17

 Effective Date

Revised 11/15/17

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 9
(Continuation)

- a. Any employee indicted or arrested will be immediately Relieved of Duty or Relieved/Reassigned.
 - b. Any incarcerated employee will be carried without pay (“WW”).
 - c. Any employee facing termination, who after the issuance of a reprimand requests a D.D.R.B. hearing and then seeks a continuance, waiving their emoluments, is off the payroll and will thereby be relieved of duty.
 - d. Any employee who for cause or random testing, has a positive test result for illegal drug usage, will be immediately relieved of duty.
 - e. Any employee determined by a psychologist to be unfit for duty will be relieved of duty immediately upon receipt of medical notification (see Fitness for Duty Requirements).
 - f. On any incident requiring Fitness for Duty, refer to Health Services for a Medical Fitness for Duty Evaluation (D.O. 6, Chapter 3).
 - g. Any employee whose actions of the Chief of Police has determined have significantly discredited the Miami Police Department.
- B. Relieved/Reassigned: It will be the responsibility of the Internal Affairs Section to Relieve/Reassign personnel. Personnel placed on this status will be provided with a Relieved/Reassigned memorandum (See S.O.P. 10 Annex #2) indicating their new responsibilities. When it becomes necessary to relieve an employee of duty, it will be done pursuant to the below listed instructions
1. Per D.O. 1 Chapter 11.6.16.4 – Relieved/Reassigned: A ranking officer will Relieve/Reassign any subordinate employee when:
 - a. Any member is involved in an incident which negatively impacts their employment as a member of the Miami Police Department will be Relieved/Reassigned within

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 9

(Continuation)

their Division until a conclusion is rendered in the case under investigation.

- b. Certain circumstances arise when the needs of the Department and the skills of the individual relieved of duty merit consideration for modification of the Relieved of Duty policy. In those instances, the employee relieved of duty shall be transferred to an administrative assignment where the special skills possessed by the individual can be used. Unlike personnel administratively reassigned, these individuals will not be allowed to carry a gun, police badge, or retain arrest powers. They will not be issued any equipment that would imply or give the impression their law enforcement powers have been reinstated.
- c. All personnel who are on a Relieved/Reassigned status must first attend a mandated Employee Assistance Program (E.A.P.) Return to Work Counseling Session to facilitate their transition to full duty status.
- d. The Chief of Police is solely empowered to modify the Relieved/Reassigned status of members.
- e. Any exception to the above policy shall be decided by the Chief of Police.

C. Administrative Reassignment

1. Per D.O. 1 Chapter 11.6.16.5 – Administratively Reassigned : A ranking officer will Administratively Reassign any subordinate employee when :
 - a. Any member is involved in an incident which negatively impacts their employment as a member of the Miami Police Department will be administratively reassigned within their Division until a conclusion is rendered in the case under investigation.
 - b. The decision to administratively reassign shall be made in the affected member's chain of command and the Section Commander will be responsible for completing and forwarding related document to the Internal Affairs

STANDARD OPERATING PROCEDURES: S.O.P. 9(Continuation)

Section. Any changes on duty status of the affected member shall be communicated to the Internal Affairs Section Commander via memorandum (See S.O.P. 10

Annex #3)

- c. Any member administratively reassigned shall be permitted to retain their firearm, badge and identification, arrest powers, and use of police radio. Members, however, are prohibited from wearing their uniform, from working off-duty jobs, and from driving marked City vehicles. Members will be permitted to work regular overtime approved by the Section Commander, whereas the overtime is a nonoperational/administrative function. Any member assigned a marked vehicle must exchange the vehicle for an unmarked vehicle.
 - d. Any exception to the above policy shall be decided by the Chief of Police
- D. Relieving of Duty, Relieved/Reassigned, and Administratively Reassigned procedures by Internal Affairs Section personnel.
- 1. This process can occur on the scene or the employee will be ordered to report to Internal Affairs.
 - 2. Prepare the appropriate memorandum (Relieved of Duty, Relieved/Reassigned, or Administratively Reassigned) (S.O.P. 10, Annex 1, Annex 2, Annex 3). The memorandum is directed to the subject employee, dated and signed by the appropriate superior officer for the Chief of Police.
 - a. The aforementioned memorandum will be read to the affected employee, who will then sign and date the document acknowledging receipt and awareness of information. The original memorandum will be placed in the Internal Affairs case file.
 - b. Provide subject employee with a copy of every document he/she signs as part of the process.

- 5 -

STANDARD OPERATING PROCEDURES: S.O.P. 9
(Continuation)

3. Collect the appropriate equipment and provide the employee a copy of the Equipment Inventory Form. (See S.O.P.10, Annex # 4)
4. Place the equipment in the Property Unit under the Internal Affairs case number as personal property of the employee, with a notation that a "hold" has been placed by Internal Affairs.
5. Prepare a memorandum to the Chief of Police, through channels, advising of the circumstances of the incident for which the employee is being relieved of duty (See S.O.P. 10, Annex # 5)
 - a. A copy of the memorandum will be distributed to the appropriate Division Chief, Section Commander, Unit Commander, Personnel, Payroll, and placed in the Internal Affairs case file.
6. In all cases, the relieved employee will be ordered to report to Internal Affairs by the relieving officer as soon as is feasible to initiate the transfer. The relieved member will adhere to the rules set for relieved of duty personnel. The Internal Affairs Section will remain the relieving/returning entity and all related documents will be forwarded to the Internal Affairs Section Case Manager.
7. A Relieved of Duty Log will be maintained documenting all personnel in that status assigned to the Internal Affairs Section.
8. Place a copy of all applicable paperwork of this process in the Internal Affairs Section Case File.
 - a. All relieved of duty forms and memorandums.
 - b. All reprimands, D.D.R.B. reports and termination letters.
 - c. All arrest and crime case reports.
9. Forward copies of all pertinent papers to appropriate offices.

II. Relieved of Duty, Relieved/Reassigned, & Administratively Reassigned Log.

- 6 -

STANDARD OPERATING PROCEDURES: S.O.P. 9
(Continuation)

1. The log will be maintained in the Internal Affairs Section and will be updated on a monthly basis. An updated copy will be provided to the Internal Affairs Commander.
2. The log will capture all relevant information concerning the particular person, including whatever final action is recommended. (See S.O.P. 10, Annex #6)
3. The status log will be reviewed by Section personnel during "R.O.D." meetings and further updates will be made, if necessary.
4. Relieved of duty employees returned to duty will be entered into the current Previously Relieved of Duty Log, maintained in the Internal Affairs Section.

III. Relieved of Duty - Case File

1. The Internal Affairs Section will enter the information into IAPro and generate a case number (example: ROD 17-123).

Officer
PIN #

DATE

PER 6-7

Relieved Of Duty

Rodolfo Llanes
Chief of Police

Page 1 of 2

Pursuant to City of Miami Police Departmental Order 1, Chapter 11, Sect. 11.6.16, 11.6.16.1, 11.6.16.2, 11.6.16.3, 11.6.16.3.1, 11.6.16.3.2, 11.6.16.3.3, 11.6.16.3.4, and 11.6.16.3.5, you are hereby relieved of your law enforcement duties. Effective immediately, you have been transferred to the Internal Affairs Section, where you shall remain until advised otherwise by the Internal Affairs Commander or his/her designee. While in that status, your hours of accountability to Internal Affairs are 0800 to 1600; Monday through Friday with weekends and City approved holidays off. You will comply with all Departmental Orders and Rules and Regulations, with the exception of those that are in conflict with any of the guidelines listed below. You will receive full pay as long as you are in compliance.

1. You must remain at home (between the hours of 0800 to 1600, Monday through Friday) unless you are attending court or ordered to report to another place by the Internal Affairs Commander or his/her designee.
2. Each Monday through Friday you must report by telephone to Internal Affairs at 1000 and 1400 hours. You will be also subject to random home checks, conducted by the Internal Affairs Section to ensure compliance with rules and regulations as set forth by the department.
3. If it becomes necessary to leave your residence for personal reasons, you must first call the Internal Affairs Commander or his/her designee for approval of use of your accumulated time and to obtain permission. You must also notify Internal Affairs upon your return home. If it becomes necessary to leave your residence on department business, you must notify Internal Affairs prior to departure and then again upon your return to your residence. If it becomes necessary during duty hours to attend court in defense of your police duty related actions wherein you were relieved, all such time will be applied as "P."
4. Utilization of any police facilities within the compound or at a substation is strictly prohibited.
5. You must honor all subpoenas and other court related requests. (i.e. pretrials, depositions etc.). Subpoenas will be picked up immediately upon notification.

Relieved of Law Enforcement Duty
Page 2

6. You will attend all other required department business assigned or received from the Internal Affairs Commander or his/her designee.
7. Pursuant to Departmental Order 12, Chapter 1, Section 1.6.15, all authorization to work off duty police jobs is hereby suspended.
8. You will not take any action, wear the uniform, carry a weapon or display a badge at any time while relieved of your law enforcement duties.
9. You will park in the visitor's parking lot and enter the building through the main entrance only.
10. You must obtain a visitors pass at the Information Desk.
11. When visiting the Central Police Building, access will be restricted to the Internal Affairs office only. The Internal Affairs commander or his designee will grant access to other parts of the building.
12. Personnel on a Relieved of Duty status will not use the parking garage, parking lots within the Sub-Station, and the gymnasium.
13. Your participation in any event sponsored, sanctioned, endorsed, or in any way identified with or representative of the City of Miami Police Department is prohibited unless prior written authorization is obtained from the Chief of Police or his/her designee.
14. While on this status you will conform to Departmental Orders addressing plainclothes dress requirements when visiting the department, or while attending any other job related function. Compliance with D. O. 14 Chapter 1 Section 1.4.12 is **mandatory**.
15. It will be your responsibility to notify in advance the Internal Affairs Section of all court related dates and/or changes.

You will be reprimanded for violating any of the aforementioned provisions. Furthermore, if such violation occurs between the hours of 0800 to 1600, Monday through Friday, you will be carried WW (without pay) for the period of non-compliance.

Witness

Employee/P.I.N.

Date

Officer
PIN

DATE

PER 6-7

Relieved/Reassigned

Major Jesus Ibalmea
Commander
Internal Affairs Section

Page 1 of 2

Pursuant to City of Miami Police Departmental Order 1, Chapter 11, Sect. 11.6.16.4, you are hereby placed on a Relieved/Reassigned status. Effective immediately, you have been transferred to the **Field Operations Division**, where you shall remain until advised otherwise by the Section Commander of your new assignment or his/her designee. The assignment is administrative in nature and it will require you to be in plain clothes in accordance with Departmental Order 14 Chapter 1 Section 1.4.16. You will not be allowed to carry a gun, police badge, or retain arrest powers. You will not be issued any equipment or be given job responsibilities that would imply or give the impression that your law enforcement powers have been reinstated.

You are further advised that the assignment is temporary and it has nothing to do with the outcome of your case.

While on a Relieved/Reassigned status you will comply with the below listed instructions:

1. You must honor all subpoenas and other court related requests. (i.e. pretrial, depositions etc.).
2. You will attend all other required department business assigned or received from competent authority.
3. Pursuant to Departmental Order 12, Chapter 1, Section 1.6.15, all authorization to work off duty police jobs is hereby suspended.
4. You will not take any action, wear the uniform, carry a weapon or display a badge at any time while on a Relieved-Reassigned status.

Relieved/Reassigned
Page 2

5. Your participation in any event sponsored, sanctioned, endorsed or in any way identified with or representative of the City of Miami Police Department is prohibited unless prior written authorization is obtained from the Chief of Police or his designee.
6. While on this status you will conform to Departmental Orders addressing plainclothes dress requirements when visiting the department, or while attending any other job related function. Compliance with D.O. 14, Chapter 1 Section 1.4.16 is **mandatory**.
7. Work schedule will be set by your chain of command in order to meet the staffing needs of the job you will be performing.
8. It will be your responsibility to notify in advance the Internal Affairs Section of all court related dates and/or changes.

Failure to comply with any of the aforementioned provisions will result in disciplinary action being taken.

Witness

Employee

Cc: Unit Commander reassigned to:

Name of Commander: _____

Jl/xx

Officer
PIN

Date

PER 6-7

Administratively Reassigned

Major
Commander
Section

Pursuant to Departmental Order 1 Chapter 1 Section 11.6.16.5.3 you have been Administratively Reassigned. While on this status you shall be permitted to retain your firearm, badge and identification, arrest powers, and use of police radio. Members, however, are prohibited from wearing their uniform, from working off-duty jobs, and from driving marked City vehicles. Members will be permitted to work regular overtime approved by the Section Commander, whereas the overtime is a non-operational/administrative function. Any member assigned a marked vehicle must exchange the vehicle for an unmarked vehicle from Fleet Liaison.

You will be responsible for notifying in advance the Internal Affairs Section of all court related dates and/or changes.

The Chief of Police shall decide any exception to the above policy.

Witness

Employee

C: Internal Affairs Section

Name:
P.I.N.
Date:

RELIEVED OF DUTY EQUIPMENT INVENTORY

When an employee has been relieved of duty by an appropriate Superior Officer, the employee is required to turn in the following Departmental equipment which will be placed inside the City of Miami's Property Unit until the employee's Disciplinary Action has been resolved.

Identifications and Badges:

_____ Uniform Badge # _____
 _____ Hat Badge # _____
 _____ Detective Badge # _____
 _____ Off Duty Badge # _____
 _____ Employee Key Card / Identification Card _____

Firearms & Intermediate Weapons:

_____ Glock Pistol Serial # _____
 _____ Rounds of Service Ammunition _____
 _____ Glock Magazines _____
 _____ Departmental issued AR 15 Serial # _____
 _____ Rounds AR 15 Ammunition _____
 _____ AR 15 Magazines _____
 _____ Departmental issued Shotgun Serial # _____
 _____ Rounds of Shotgun Ammunition _____
 _____ Personal Firearm Make, Model Serial # _____
(Court Injunctions Only)
 _____ Taser Serial # _____
 _____ ASP Serial # _____
 _____ POC Spray Canister # _____

Uniform & Equipment:

Class "A" Uniform Shirts _____	MPD Polo Shirts _____
Class "B" Uniform Shirts _____	MPD Class "C" T-Shirts _____
Class "C" Uniform Shirts _____	Uniform Pants _____
Heavy Duty Jacket _____	BDU Pants _____
Class "A" Hat _____	Lightweight Jacket _____
Baseball Cap _____	Raincoat _____
Traffic Vest _____	

_____ Bullet Proof Vest # _____
 _____ Handcuffs Serial # _____
 _____ Duty Belt _____
 _____ Belt Keepers _____
 _____ Glock holster _____

- _____ Glock Magazine holder
- _____ Taser holster
- _____ ASP holder
- _____ Flashlight holder
- _____ Handcuff Case
- _____ Radio Case
- _____ O.C. Case
- _____ Hobble Restraint
- _____ Departmental Orders
- _____ City issued Flashlight # _____

Field Force / WMD Equipment:

- _____ Gas Mask with Bag # _____
- _____ PPE Suit/Gear Serial # _____
- _____ Riot Shield # _____
- _____ Riot helmet # _____
- _____ Riot Bag # _____
- _____ Riot Wooden Baton # _____
- _____ PR-24 Nightstick # _____
- _____ W.M.D. Gear (Circle Each) Suit, Boots, Gloves, Tape

Computer & Communications Equipment:

- _____ Police Radio # _____
- _____ Lapel Microphone # _____
- _____ Radio Charger # _____
- _____ Radio Car Charger # _____
- _____ Laptop Computer _____
- _____ Ticket Summons Printer Serial # _____
- _____ Ticket Printer Bracket Serial # _____

Vehicle Equipment:

- _____ Keys to City Vehicle # _____
- _____ City Vehicle Maintenance Log
- _____ Fuel Card # _____
- _____ Sun Pass # _____
- _____ D.O.T. Toll Card _____
- _____ Blood Pathogens Kit

Miscellaneous Items:

Witness Signature

Employee Signature & P.I.N.

S.O.P. 9
Annex 5

Rodolfo Llanes
Chief of Police

PER 6-7

Relieved of Duty/Reassigned

Major Jesus Ibalmea
Commander
Internal Affairs Section

On _____, Officer _____ P.I.N. # _____, was Relieved of Duty pending disposition of a Criminal/Administrative investigation. Officer _____ is being transferred to the Internal Affairs Section on a Relieved of Duty status and will remain at home, effective _____.

Jl:xx

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

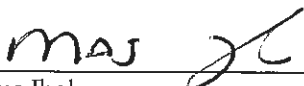
S.O.P. 10

SUBJECT: SEPARATION OF SERVICE, DECERTIFICATION PROCEDURES & VIOLATION OF MORAL CHARACTER (F.D.L.E. FORMS)

PURPOSE: To provide guidelines regarding the completion of required F.D.L.E. Forms associated to Separation of Service, Decertification of sworn personnel and Violations of Moral Character.

SCOPE: These procedures will serve as a guide to properly complete required Florida Department of Law Enforcement (F.D.L.E.) Forms associated to Decertification of sworn personnel and Separation of Service. F.D.L.E. certification and employment requirements include the completion of mandatory forms associated to investigations and separation from the agency. The State of Florida, through the Criminal Justice Standards and Training Commission (CJSTC), oversees the certification, employment, training, and conduct of its law enforcement, corrections and correctional probation officers.

- I. Separation of Service Procedures Affidavit of Termination (CJSTC 61)
 - A. The Administrative Assistant has the responsibility of preparing and forwarding an Affidavit of Termination (CJSTC Form 61) to the State Law Enforcement Standards Commission on all service separations. Each affidavit will be accompanied by a cover letter. (See S.O.P. 28, Annex 1 - CJSTC Form 61)
 - B. Affidavits of Termination will be signed by the Major or his/her designee.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

STANDARD OPERATING PROCEDURES: S.O.P. 10

(Continuation)

II. Decertification

A. In those instances, where the employee resigns or is terminated as a result of an Administrative or Criminal Investigation, copies of all supporting documents (Summary of investigation, capias, certified copies of Judgments) will be attached to the Affidavit of Termination (CJSTC 61).

B. The Florida Department of Law Enforcement (FDLE) Professional Compliance Section may initiate an officer misconduct case as a result of an Affidavit of Separation form CJSTC-61, that reflects the following unfavorable misconduct "reason of separation":

-- Voluntary Separation or Retirement while being investigated for violation of Section 943.13(4), F.S., or

-- A violation of Moral Character standards defined by Rule 11B-27.0011, F.A.C., or

-- Terminated for Violation of Section 943.13(4), F.S.,

III. Violation of Moral Character – Internal Investigation Report Form CJSTC 78 (No Resignation or Termination) (See S.O.P 28, Annex 2 CJSTC Form 78)

A. The Florida Department of Law Enforcement (FDLE) Professional Compliance Section may initiate an officer misconduct case:

- When the investigation report indicates violations of Section 943.13(4) or (7), F.S., which have been sustained, and the officer is not separated from employment; or
- Receipt of a signed verifiable complaint that contains specific allegations of non-compliance by an officer, pursuant to Section 943.13(4) or (7), F.S., to include the complainant's name and return address; or
- Receipt of newspaper articles indicating an arrest or violation of moral character by an officer; or
- When a Field Specialist determines ineligibility due to a non-favorable inspection of documents discovered during an audit or review of files; or
- Information developed by the Professional Compliance Section indicating that an officer has been arrested or is in violation of Commission-ordered probation.

B. The Internal Investigation Report form (CJSTC-78), must be submitted within 45 days of the date the allegation has been Sustained.

C. The Internal Investigation Report form (CJSTC-78), must be submitted to the Criminal Justice Professionalism Program if the circumstances meet the following criteria:

- The officer pleads guilty, no contest, is found guilty, or is convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withheld adjudication or suspended sentence.
- A plea of guilty or a verdict of guilty for any of the enumerated misdemeanor violations or, the perpetration by an officer of an act that would constitute any of the enumerated misdemeanors.
- The sustained facts involve an act or conduct which constitutes:

STANDARD OPERATING PROCEDURES: S.O.P. 10

(Continuation)

- Excessive use of force;
- Misuse of official position (Section 112.313(6), F.S.);
- Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee;
- Sexual harassment involving physical contact or misuse of official position;
- Engaging in sex while on duty;
- False statements during the employment application process;
- Violation of standards of test administration for the Basic Abilities Test (BAT) or State Officer Certification Examination (SOCE);
- Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employing agency examination process.
- Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others;
- Any willful and offensive exposure or exhibition of sexual organs in public or on the private premises of another or so near that it is likely to be seen, except in any place provided or set apart for that purpose;
- Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to Commission rule;
- Intentional abuse of a Temporary Employment Authorization;
- Any willful and knowledgeable misuse of electronic databases used to access restricted information for an illegitimate or personal purpose with bad intent;
- Testing positive for any controlled substances.



AFFIDAVIT OF SEPARATION

Florida Department of Law Enforcement

Incorporated by Reference in Rules 11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



CJSTC
61

1. Last Four Digits of Social Security Number: _____	Employment Class <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Correctional <input type="checkbox"/> Correctional Probation <input type="checkbox"/> Concurrent <input type="checkbox"/> Special Elected or Appointed <input type="checkbox"/> Instructor Employment Type <input type="checkbox"/> Full time <input type="checkbox"/> Part time <input type="checkbox"/> Auxiliary
2. Name: _____ Last First MI	
3. Agency Name: _____	
4. Agency ORI: FL _____	
5. Date Employed: _____ 6. Separation Date: _____	

7. Separation Reasons

7A. ADMINISTRATIVE – ROUTINE <input type="checkbox"/> Voluntary separation not involving misconduct <input type="checkbox"/> Transfer within agency. No break in service <input type="checkbox"/> Retired. Not involving misconduct <input type="checkbox"/> Deceased <input type="checkbox"/> Budgetary constraints. Local and Federal grants not renewed <input type="checkbox"/> Extended leave of absence Type: _____ Periods of Time: _____ <input type="checkbox"/> Military leave of absence Periods of Time: _____ <input type="checkbox"/> Suspension Periods of Time: _____ <input type="checkbox"/> Administrative separation not involving misconduct <input type="checkbox"/> Special elected or appointed Position: _____ Anticipated term: _____ <input type="checkbox"/> instructor request for change of affiliation	7C. ADMINISTRATIVE – SUBSTANDARD PERFORMANCE <input type="checkbox"/> Failure to satisfactorily complete the agency field-training program (training performance issues). <input type="checkbox"/> Failure to perform assigned tasks satisfactorily. 7D. OTHER – EXAMPLE <input type="checkbox"/> Excessive absenteeism, failure to report for duty, sleeping on duty, etc. 7E. UNFAVORABLE – MISCONDUCT <input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C. NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.	7F. Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer or instructor it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C. <input type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C. NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.
---	--	--

NOTICE: Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation. **WARNING:** Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

8. Agency Administrator or Designee's Signature _____ 9. Agency Administrator or Designee's Printed Name _____ 10. Date _____

11. Agency Administrator or Designee's Title _____

12. OATH

Pursuant to Section 117.05(13)(a), Florida Statutes

STATE OF _____ COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, year _____,

By _____
Signature of Notary Public – State of Florida

Print, Type, or Stamp Commissioned name of Notary Public _____ Personally Known OR Produced Identification

Type of Identification Produced _____

INSTRUCTIONS FOR COMPLETING FORM CJSTC-61**USE THIS FORM TO SEPARATE
AN OFFICER FROM AN AGENCY****USE THIS FORM WHEN:**

1. An officer or instructor separates from an agency when he or she voluntarily separates, retires, or dies.
2. An officer transfers within the agency.
3. Budgetary constraints (local or federal grants not renewed) are experienced by an agency.
4. An officer has an extended leave of absence or suspension.
5. An agency terminates an officer for administrative reasons.
6. An officer fails to complete a basic recruit training program.
7. An officer fails to pass the State Officer Certification Examination.
8. An officer fails to satisfactorily complete the agency's field training program.
9. An officer or instructor fails to perform assigned tasks satisfactorily.
10. An officer or instructor has excessive absenteeism, fails to report for duty, etc.
11. An officer or instructor voluntarily separates, retires, or is terminated while being investigated for a violation of agency policy.

The Internal Investigation Report, form CJSTC-78, shall accompany form CJSTC-61 if any of the following reasons for separation of employment or appointment are applicable to the officer or instructor:

1. An officer or instructor voluntarily separates or retires while being investigated for a violation of Section 943.13(4), F.S., or for a violation of moral character standards as defined by Rule 11B-27.0011, F.A.C.
2. An officer or instructor is terminated for a violation of Section 943.13 (4), F.S., or for a violation of moral character standards as defined by Rule 11B-27.0011, F.A.C.
3. An officer or instructor voluntarily separates or retires in lieu of termination for a violation of Section 943.13(4), F.S., or for violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.

NOTE: The Special Elected or Appointed box should only be checked if an individual is an elected or appointed official affiliated with an agency to maintain his or her continuing education requirement. Please indicate the individual's position and anticipated term of office.

HOW TO COMPLETE EACH ITEM

1. **Social Security Number.** Enter the last four digits of the officer's social security number as in this example: 000-00-1234.
2. **Name.** Enter the officer's legal last and first name. Enter the officer's middle initial if applicable.
3. **Agency Name.** Enter the agency's name.
4. **Agency ORI:** Enter the last seven digits of the agency's originating identifier number as in this example: FL0370000.
5. **Date Employed.** Enter the officer's employment date as a sworn officer as in this example: (MM/DD/YYYY).
6. **Date Separated.** Enter the last date the officer was employed as in this example: (MM/DD/YYYY).

The agency administrator or designee shall complete the remainder of this affidavit in the presence of a notary public.

7. **Separation Reasons.** Place a check mark in the applicable box(es):
 - 7a. Administrative-Routine
 - 7b. Administrative - No Routine
 - 7c. Administrative - Substandard Performance
 - 7d. Other Example(s)
 - 7e. Unfavorable Misconduct. **NOTE:** The agency administrator or designee shall provide proof of the internal or criminal investigation upon request by Commission staff.
8. **Administrator or Designee's Signature.** The agency administrator or designee shall sign his or her name.
9. **Agency Administrator or Designee's Name.** The agency administrator or designee shall print his or her name.
10. **Date Signed.** The agency administrator or designee shall enter the date the affidavit is signed.
11. **Agency Administrator or Designee's Title.** The agency administrator or designee shall print his or her title.
12. **Completion of Affidavit Section.** The notary public shall complete all blank lines in the Affidavit Section.

AGENCY REQUIREMENTS

- If the agency is entering the information on-line through the Commission's Automated Management Training System (ATMS), please print this form and maintain the original on file at the agency.
- If the agency is not entering the information on-line into ATMS, maintain the original form on file at the agency and submit a completed copy of the form with the required documentation attached and a letter requesting FDLE to enter the data into ATMS. Submit the copies to: **Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489. Attention: Records Section. Fax Number 850-410-8605.**



INTERNAL INVESTIGATION REPORT

Florida Department of Law Enforcement

Incorporated by Reference in Rule 11B-20.001(3)(a)5.b., and 11B-27.003(2)a., F.A.C.



CJSTC
78

Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

- Last Four Digits of Officer's Social Security Number: _____
- Officer's Name: _____
Last First MI
- Officer's Last Known Address: _____
Street City State Zip Code
- Officer's Telephone Number: _____

AGENCY

- Agency ORI: FL _____ 6. Agency Name: _____
- Agency Contact Person: _____ 8. Agency Contact Person's Telephone Number: _____
- Agency Fax Number: _____

VIOLATION - ALLEGATION

10. Nature of Allegation(s): _____

- Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.
Sustained - (Violation of Agency Policy): Not Sustained: Unfounded: Exonerated:

12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: _____ Date Internal Investigation Completed: _____

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply	Days Tolloed
<input type="checkbox"/> Written waiver of limitation by officer	_____
<input type="checkbox"/> Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/> Officer incapacitated or unavailable	_____
<input type="checkbox"/> Multi-jurisdictional investigation	_____
<input type="checkbox"/> Emergency or natural disaster as declared by the Governor	_____

13. Criminal Charges Filed: _____

14. Agency Disciplinary Action: _____

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- Summary of the Facts Internal Investigation Report Name and Address of Witness
 Witness Statement/Disposition Certified Court Documents Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

16. Agency administrator's signature _____

17. Date signed _____

18. Agency administrator's name and title _____

INSTRUCTIONS FOR COMPLETING FORM CJSTC-78

The Internal Investigation Report form should be completed any time an internal investigation has been completed.

1. Use this form to report to the Commission any sustained allegation(s) of non-compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.
2. Submit this form within 45 days of the date the allegation has been sustained.
3. Submit this form to the Criminal Justice Professionalism Program if the circumstances meet the following criteria:
 - The officer pleads guilty, no contest, is found guilty, or is convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withheld adjudication or suspended sentence.
 - A plea of guilty or a verdict of guilty for any of the enumerated misdemeanor violations or, the perpetration by an officer of an act that would constitute any of the enumerated misdemeanors.
4. The substantiated facts involve an act or conduct which constitutes:
 - Excessive use of force;
 - Misuse of official position (Section 112.313(6), F.S.);
 - Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee;
 - Sexual harassment involving physical contact or misuse of official position;
 - Engaging in sex while on duty;
 - False statements during the employment application process;
 - Violation of standards of test administration for the Basic Abilities Test (BAT) or State Officer Certification Examination (SOCE);
 - Conduct which subverts or attempts to subvert the Criminal Justice Standards and Training Commission, criminal justice training school, or employing agency examination process.
 - Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others;
 - Any willful and offensive exposure or exhibition of sexual organs in public or on the private premises of another or so near that it is likely to be seen, except in any place provided or set apart for that purpose;
 - Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to Commission rule;
 - Intentional abuse of a Temporary Employment Authorization;
 - Any willful and knowledgeable misuse of electronic databases used to access restricted information for an illegitimate or personal purpose with bad intent;
 - Testing positive for any controlled substances.
7. **Agency Contact Person.** Enter the name of person in your agency who can provide additional information to the Criminal Justice Standards and Training Commission regarding the officer's misconduct.
8. **Agency Contact Telephone Number.** Enter the telephone number of the contact person whose name you entered in item 7.
9. **Agency FAX Number.** Enter the FAX number for the agency if the agency has one.
10. **Nature of Allegation(s).** Enter a brief explanation of the officer's misconduct. Indicate in the narrative whether the elements of the misconduct constitute a felony or misdemeanor, whether criminally charged or not, or, constitutes a moral character violation.
11. **Agency Disposition.** Indicate the findings of the internal investigation by entering an X beside the appropriate box.
 - **Sustained: Violation of Section 943.13(4) or (7) F.S., or Rule 11B-27.0011, F.A.C.** In this case, the Internal Investigation Report form should be forwarded to the Criminal Justice Professionalism Program along with supporting documentation.
 - **Sustained: Violation of Agency Policy.** This indicates a violation of agency rules and/or regulations. These violations do not need to be reported to the Criminal Justice Professionalism Program.
 - **Not Sustained:** Insufficient evidence available to prove or disprove the allegation.
 - **Unfounded:** This indicates that the allegations are false or not supported by facts.
 - **Exonerated -** This indicates that the internal investigation determined that the alleged actions occurred but were lawful and proper.
12. **Limitation Period for Disciplinary Action.** Enter the date the internal investigation was initiated and completed. If any exceptions to the limitation period for disciplinary action exist, check all that apply and indicate the number of days tolled.
13. **Criminal Charges Filed.** Enter whether or not criminal charges were filed against the officer for the sustained misconduct. If criminal charges were filed, indicate charge and disposition along with the court case number. In addition, attach copies of all available court documentation.
14. **Agency Disciplinary Action.** Enter the type of administrative disciplinary action taken, if applicable i.e.; suspension, probation, etc.
15. **Attach and Forward the Following.** If the allegations have been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., indicate which of the following information has been attached with this form by entering an X beside the appropriate box.
 - **Summary of the Facts.** This should be in the form of letter and/or report giving a brief synopsis of the facts.
 - **Internal Investigation Report.** This should be a copy of the internal investigation report regarding the officer's misconduct.
 - **Witness Information.** This should include names, addresses and telephone numbers of individuals who witnessed the officer's misconduct.
 - **Statements and Depositions.** This should include any and all sworn testimony from either the officer or witnesses.
 - **Certified Court Documents.** This should include any evidence, pictures, audio or video tapes, etc., or any other information that would support the sustained allegation of officer misconduct.
16. **Agency Administrator's Signature.** Agency administrator or designee's signature.
17. **Date Signed.** The date the agency administrator or designee signed this form.
18. **Agency Administrator's Name and Title.** Type or print in black ink the agency administrator or designee's name and title.

NOTE: DO NOT forward this form to the Criminal Justice Professionalism Program if the allegations have been sustained, but are violations of agency policy only, or other agency disposition has been found. If the allegations do not prove to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., a copy of this form should be made a part of the investigative package and kept on file at the agency.

HOW TO COMPLETE EACH ITEM

1. **Officer's Social Security Number.** Enter the last four digits of the officer's social security number as in this example: 000-00-1234.
2. **Officer's Name.** Enter the officer's legal last and first name. If the officer has middle initial, enter it above MI.
3. **Officer's Last Known Address.** Enter the officer's last known street address including the apartment number or P.O. Box number and the city. Enter the two-digit U.S. Postmaster's abbreviation of state and nine-digit zip code for the last known address on the third line. Enter the first five digits of the zip code as in this example: 32314-6554.
4. **Officer's Telephone Number.** Enter the officer's last known personal telephone number as in this example: (123) 456-7891.
5. **Agency ORI.** Enter the last seven digits of the agency's originating agency identifier number. There are nine digits in agency ORI codes. The first two have been entered, which are FL. Enter as in this example: FL0370000.
6. **Agency Name.** Enter the agency's name.

AGENCY REQUIREMENTS

Submit the completed name change form and attachments to: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Professional Compliance.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 11

SUBJECT: PUBLIC and ANTI-CORRUPTION UNIT'S CATEGORIES OF CASES.

PURPOSE: To provide an overview of the categories of cases investigated by the Public and Anti-Corruption Unit.

SCOPE: There are three categories of cases investigated by the Public and Anti-Corruption Unit. The unit's filing system shall be arranged in such a manner to accommodate these cases.

I. Open (active) investigations.

A. These are cases where enough information exists to warrant assignment to a particular investigator or team of investigators. The reporting format shall be the 301 report until a decision is reached for closure.

II. Intelligence information.

A. These are cases where there is not enough information available to warrant assignment. This information shall be reviewed periodically by the Unit Commander. If additional information is developed, the case will be assigned for investigation and reclassified as an open (active) investigation.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 11
(Continuation)

- B. When open (active) investigations are concluded, but cannot be closed, they shall be reclassified as Intelligence Information Cases and moved from the open files to the Intelligence files.

III. Closed cases.

- A. Open (active) cases can only be closed by the filing of criminal or administrative charges or when the individual complained of is cleared of the allegation. The assigned investigator shall complete an R.F. 121 and obtain a section case number. The investigation shall then be documented utilizing the standard Internal Affairs format as outlined in the Departmental Orders.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 12

SUBJECT: CONFIDENTIAL INFORMANTS.

PURPOSE: To inform personnel of the policy regarding use of confidential informants and confidential sources.


SCOPE: Quite often a successful investigation can only be concluded with the use of an informant. Obtaining usable informants and their information is an art that must be practiced by every investigator. The goal of cultivating quality informants and sources must be continually strived for by each investigator.

I. Definitions.

- A. Confidential Informant: A paid source of information.
- B. Confidential Source: An unpaid source of information whose identity needs to be protected.

II. General Procedures.

- A. Informants belong to the police department, not the individual investigator. At no time is an informant to be worked by one (1)



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 12
(Continuation)

person. Every transaction with an informant shall be witnessed by a second officer or supervisor. Informants are not to be considered as members of the Police Department at any time and should not be privy to information on future actions of the Department, unless absolutely necessary. No promises of future impunity should be made or implied. All contacts with an informant should be documented. The informant or information source will sign a contract prior to working.

B. Basic Procedures.

1. The C.I. or C.S. will be debriefed in an interview to determine what information or evidence they can provide.
2. The C.I. or C.S. will be required to provide a sworn statement(s).
 - a. A sworn statement will be required before any action is taken on the C.I. or C.S. information.
 - b. A sworn statement will be taken at any time when necessary, during the course of the investigation.
 - c. Depending on circumstances, it may be necessary for the State Attorney's Office to take a sworn statement.
3. The C.I. or C.S. might be required to take a polygraph examination at the direction of the Internal Affairs Section Commander.
4. The informant and/or source will understand that they will work under the direct control and supervision of the lead investigator supervisor.
5. The informant and/or source will understand that they will fully cooperate and make regular contact with the lead investigator as required.

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 12
(Continuation)

6. Payment to the C.I. shall be agreed upon by the C.I. and Section Commander, prior to action being taken on the information.
7. The informant and/or source will understand that all actions possible to protect his identity will be taken, but it may be necessary, if ordered by a court, to identify the informant/source and it may be necessary to require the informant/source to testify.
8. Prior to any action on an informant's information, a contract specifying the relevant factors will be executed and agreed upon (see S.O.P. 10, Annex 1).

III. Selection of Informants.

- A. If a potential informant is encountered or developed, an investigation will be made of the informant's past. Pertinent information such as photograph, fingerprint card, rap sheet and copies of all reports concerning the informant, will be secured. (Complete Confidential Informant Information Sheet.) (See S.O.P. 10, Annex 2)
- B. The investigator will submit this information with his request to utilize the informant to his/her Unit Commander.
- C. The investigator will review the informant file. If the prospective informant has a prior file, this file will also be submitted to the Commanding Officer.
- D. When approval is granted for use of an informant, all information on the informant will be placed in the informant's file.

IV. Informant's File.

- A. An informant file has been set up for the following purpose.
 1. To enable Unit Commanders to review and evaluate the expenditures made for use of informants.

- 4 -

STANDARD OPERATING PROCEDURES: S.O.P. 12
(Continuation)

2. To minimize incidents which could be used to question the integrity of investigators
 3. As an accounting and justification for use of Internal Affairs funds for informants.
- B. The following procedures will be used in creating and maintaining informants' files.
1. The lead investigator shall compile the following documents to be included in the C.I.'s or C.S.'s file.
 - a. Contract (S.O.P. 10, Annex 1).
 - b. Subject Information Sheet (S.O.P. 10, Annex 2).
 - c. Photo and Fingerprint Waiver Form (S.O.P. 10, Annex 3).
 - d. Photo.
 - e. Fingerprint Card.
 - f. F.B.I. Rap Sheet.
 - g. N.C.I.C./F.C.I.C. check.
 - h. Fund Receipt (S.O.P. 10, Annex 4), after payments have been made.
 - i. Expenditures Control Form (S.O.P. 10, Annex 5).
 2. The Informants'/Sources' file shall be reviewed by the lead investigator's Unit Commander.
 3. The C.I. or C.S. file will then be given to the Anti-Corruption Unit Commander. He/she shall then assign a code number to the C.I. or C.S., which shall be placed in their file. The file shall then be secured in a locked cabinet inside the Internal Affairs Section vault.

- 5 -

STANDARD OPERATING PROCEDURES: S.O.P. 12
(Continuation)

4. All information obtained after the file is initiated shall be included in the jacket.
 - a. Copies of investigation reports (301's).
 - b. Fund receipts (S.O.P. 10, Annex 4) when payments are made.
 - c. Arrest reports, supplementary reports arising out of information obtained from informant.
 - d. Arrests of informant after he/she becomes an informant.
 - e. Any changes of addresses of informant.
 - f. New photo (dated) if informant's appearance changes.
 - g. 301 report to file when informant becomes inactive, with date and circumstances.
- V. Payment of informants.
- A. All payments of informants must be approved by the lead investigator's Unit Commander and the Section Commander.
 - B. The lead investigator's Unit Commander can approve up to \$300.00 as payment to informants. The Section Commander can approve up to \$500.00 as payment to informants. Any other payment amount must have the approval of the Chief of Police.
 - C. The Unit and Section Commanders may authorize the payment of monies to informants under the following circumstances.
 1. The information, service or document is not available through other investigative procedures.

- 6 -

STANDARD OPERATING PROCEDURES: S.O.P. 12

(Continuation)

2. The securing of the information, service or document is necessary to bring the investigation under consideration to a successful conclusion.
 3. Other investigative procedures would be too lengthy or costly in relation to the objective of the matter under consideration.
 4. No funds will be approved without a complete informant file and in accordance with the procedures generated in this S.O.P.
- D. All payments to a C.I. shall be witnessed by a supervisor. The C.I. shall sign the Fund Receipt (see S.O.P. 10, Annex 4), witnessed by the supervisor.
 - E. The Fund Receipt and all appropriate documents (301 reports, arrest reports, etc.) shall be forwarded to the appropriate Unit Commander.
 - F. The Unit Commander shall compare the informant's signature with signed documents in the C.I. file.
 - G. The lead investigator shall make the necessary notations on the Expenditure Control Form (see S.O.P. 10, Annex 5) in the C.I.'s file.
 - H. The lead investigator shall complete the necessary A&I reports (Accounting for Investigation Funds, R.F. 101) and forward to the Commander.
- VI. Utilization of informants in dangerous felony operations.
- A. Permission must be granted by the Unit and Section Commander prior to any operations.
 - B. The State Attorney's Office should be consulted prior to implementation of operation, in order that legal issues can be discussed.

- 7 -

STANDARD OPERATING PROCEDURES: S.O.P. 12
(Continuation)

- C. Every effort shall be made to protect the informant and innocent bystanders.
 - D. The informant must be advised and approve of his/her role in the operation.
- VII. Purging C.I. files.
- A. It shall be the responsibility of the Unit commanders to periodically check the C.I./C.S. files and, after conferring with the lead investigator, purge those files no longer active. All inactive files shall be maintained secured in locked cabinet inside the Section's vault.

S.O.P. 12
Annex 1

CONTRACT

I _____ willing and voluntarily agree to assist the Miami Police Department Internal Affairs Section in conducting an investigation into illegal and unlawful activities subject to the following conditions:

1. For each day that I work under the supervision and control of Internal Affairs Investigators and gather evidence, I will be paid _____. Any monies that I received as salary or pay from other work done in the course of the investigation will be mine to keep.
2. I agree to submit to giving a sworn statement to Internal Affairs Investigators at any time required during this investigation.
3. I agree to submit to taking a polygraph examination at any time required during this investigation.
4. I agree to testify in court if absolutely necessary with the agreement that the Miami Police Department will do everything possible to protect my identity and personal safety.

Signed _____

Witnesses:

S.O.P. 12
Annex 2

DEPARTMENT OF POLICE
CITY OF MIAMI, FLORIDA

SUBJECT INFORMATION SHEET

Name _____ DOB _____

AKA _____ POB _____

HEIGHT _____ WEIGHT _____ HAIR _____ EYE _____ RACE _____ SEX _____
T _____ S _____ X _____

SCARS, TATTOOS,
OTHER _____

LKA _____ PHONE _____ DATE _____

LKA _____ PHONE _____ DATE _____

SI FILE # _____ SS # _____

BCI # _____ PSD # _____ FBI # _____

OTHER _____

PAST _____

MARITAL STATUS _____ SPOUSE _____ DOB _____

CHILDREN AND
DOB _____

NAME OF BUSINESS _____ PHONE _____

VEHICLE _____ TAG _____ DATE _____

VEHICLE _____ TAG _____ DATE _____

VEHICLE _____ TAG _____ DATE _____

MO _____

ASSOCIATES _____

PLACES
FREQUENTED _____

FORM PREPARED BY _____ IBM _____ DATE _____

R.F. No. 374

S.O.P. 12
ANNEX 3

CITY OF MIAMI POLICE DEPARTMENT

IDENTIFICATION UNIT

I understand that I am being asked to voluntarily allow an Identification Technician, of the Miami Police Department, to take my Palm Prints and Fingerprints and/or Photograph.

I understand that I am not required to submit to this Palm Printing, Fingerprinting, and/or Photographing.

Knowing this, I, by my signature, hereby agree that the Miami Police Department may take my Palm Prints, Fingerprints, and/or Photograph, and request that they do it.

SIGNATURE
DATE

WITNESS

INVESTIGATOR

DATE
CASE #

S.O.P. 12
ANNEX 4

DEPARTMENT OF POLICE
CITY OF MIAMI, FLORIDA

INTERNAL AFFAIRS SECTION

C.I. NO. _____
FILE NO. _____

FUND RECEIPT

RECEIVED FROM POLICE OFFICER

THE SUM OF _____ FOR

POLICE OFFICER

RECIPIENT

WITNESS

DATE AND TIME

SIGNATURE VERIFIED BY C.O.

RECEIPT
NO. _____
(WITHDRAWAL)

RECEIPT
NO. _____
(DEPOSIT)

INTERNAL AFFAIRS SECTION

STANDARD OPERATING PROCEDURES

S.O.P. 13


SUBJECT: PROTRACTED/COMPLEX INVESTIGATIVE FUNDS

PURPOSE: To establish guidelines for tracking, monitoring, and monthly auditing of Protracted/Complex Investigative Account

SCOPE: Protracted/Complex Investigative Funds are monetary resources that are administered internally by the Department to be utilized for purposes related to an ongoing investigation. Protracted/Complex Investigative Funds are approved by the Commander of the Internal Affairs Section and the Chief of Police.

I. Responsibility.

- A. It shall be the responsibility of the Section Commander or his/her designee to maintain the Section's Protracted/Complex Investigative Funds.
- B. The custodian is responsible for maintaining the records, files, justify expenses, review all documentation and prepare the monthly overtime expenditure reports.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

STANDARD OPERATING PROCEDURES S.O.P. 13

Continued

- II. Criteria for the use of Protracted/Complex Investigative Funds.
- A. No monies shall be utilized from the Protracted/Complex Investigative Funds without the approval of the Section Commander or his/her designee.
 - B. The Protracted/Complex Investigation Funds is generally intended for the use in the following instances.
 - 1. Payment of overtime to employees involved in a confidential investigation, (approved by the Chief of Police or his/her designee).
 - 2. Purchase of special investigative equipment and other investigation related expenses where the identity of the Department must be concealed.
 - 3. Purchase of items from legitimate businesses to be used in storefront/fencing operations where the identity of the Department must be concealed.
 - 4. Payment for relocation of a witness/source, temporary living expenses, travel, and other expenses incurred by a witness/source and which are necessitated by real or potential threats made or anticipated towards a witness/source.
 - 5. "Flash money" to be used in affecting arrests and where no actual expenditure is anticipated.
 - 6. Payment of expenses incurred by a confidential source pertaining to a criminal investigation.
 - 7. Purchase of illegal narcotics, stolen property, and other contraband/evidence pertaining to a criminal investigation.
- III. Procedures for Disbursement.
- A. Any member wishing to utilize the Protracted/Complex Funds expense account must contact the Section Commander or his/her designee.
 - B. Approved Protracted/Complex Investigative Funds expenses are paid directly from an approved non-interest bearing Credit Union account.
 - C. The Section Commander or his/her designee shall maintain a journal for all approved expenses from the Credit Union

STANDARD OPERATING PROCEDURES S.O.P. 13

Continued

Account. Each journal entry shall detail transaction date, amount disbursed, reason disbursed, and to whom disbursed.

- D. All expenditures from the Credit Union expense account are required to have an Accounting for Investigative Funds (A&I) along with a red-line memorandum approved by the Internal Affairs Section Commander.
- E. The purpose of the A&I is to affirm that specific resources were employed during the course of an official investigation. The A&I will contain the names of the investigators, receipt numbers, dates, supporting documents, and amounts expended. The A&I will serve as the primary accounting instrument for the fund.

IV. Audit of Fund.

- A. All approved reimbursement packages are required to be maintained by the Section Commander or his/her designee. At the end of the investigation a closeout audit will be conducted by the Budget Unit, Section Commander.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES


S.O.P. 14

SUBJECT: IMPREST FUND

PURPOSE: To inform personnel of the policy and procedures regarding the use of the Internal Affairs Section Imprest Fund.

SCOPE: The Internal Affairs Section Commander will be responsible for maintaining and disbursement of the Section's Imprest Fund.

- I. Responsibility.
 - A. It shall be the responsibility of the Section Commander or his/her designee to maintain the Section's Imprest Fund.
 - B. The monies shall be secured in a non-interest bearing account at the United Police Federal Credit Union.
 - C. The Section Commander or designee shall maintain an accounting of all monies expended and the balance on hand. (See S.O.P. 11, Annex 1)
- II. Criteria for use of Imprest Fund.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 14
(Continuation)

- B. The Imprest Fund is generally intended for use in the following instances.
1. Payment to a confidential source for service or information. (A confidential source is an individual who is able to provide intelligence or investigative information pertaining to criminal activity which is not readily obtainable from other sources.)
 2. Payment of expenses incurred by a confidential source pertaining to a criminal investigation.
 3. Purchase of illegal narcotics, stolen property, and other contraband/evidence pertaining to a criminal investigation.
 4. Purchase of special investigative equipment and other investigation related expenses where the identity of the Department must be concealed.
 5. Purchase of items from legitimate businesses to be used in storefront/fencing operations where the identity of the Department must be concealed.
 6. Payment for relocation of a witness/source, temporary living expenses, travel, and other expenses incurred by a witness/source and which are necessitated by real or potential threats made or anticipated towards a witness/source.
 7. "Flash money" to be used in affecting arrests and where no actual expenditure is anticipated.
 8. Purchase of gasoline for Miami Police confiscated vehicles and rental vehicles during investigations.
 9. Payment for repairs to Miami Police confiscated vehicles.

III. Procedures for Disbursement.

- A. Any member wishing to utilize the Section's Imprest Fund must contact the Section Commander or his/her designee for approval.
- B. If request for funds meets established criteria, the Section Commander or his/her designee shall provide the member with the requested amount. The Section Commander or designee shall complete City of Miami

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 14

(Continuation)

official receipt (FN/TM 402 Rev. 03/03) (S.O.P. 11, Annex 2) with the member signing for the monies received.

- C. The member, upon disbursement of requested funds, shall complete the appropriate documentation (Expense and Investigation Report, R.F. #85; and Accounting for Investigative Funds, R.F. #101). (See S.O.P. 11, Annexes 3 and 4.) The above reports must be accompanied by paid receipts documenting the expenditure. This documentation shall be forwarded through channels to the Section Commander for approval.

IV. Reimbursement to Imprest Fund.

- A. The Section Commander, or designee, shall prepare monthly, or when deemed appropriate, a red-line memorandum (S.O.P. 11, Annex 5) to the Commander of the Business Management Section requesting reimbursement to the Imprest Fund listing all expenditures. The memorandum shall include the investigator's name who expended the funds, the date of expenditure and the amount. The memorandum shall have attached to it all appropriate R.F. #101 reports and receipts.
- B. The Section Commander or designee upon receiving a reimbursement check from the Business Management Section shall cash said check and place the monies in the Miami Police Federal Credit Union's checking account.

V. Audit of Fund.

- A. The Section Commander, along with the Anti-Corruption Unit Commander, shall conduct quarterly audits of the Section's Fund.
- B. The audit will be documented on a red-line memorandum to be kept in the file. (See S.O.P. 11, Annex 5)
- C. An annual audit shall be conducted by the Business Management Section.

INTERNAL AFFAIRS SECTION

STANDARD OPERATING PROCEDURES

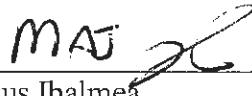
S.O.P.: 15

SUBJECT: OPERATIONAL EQUIPMENT AND OPERATIONAL SUPPLIES

PURPOSE: To establish procedures and controls for the utilization of Internal Affairs equipment and operational supplies.

SCOPE: This Standard Operating Procedure will govern the procedures for security, control and utilization of Internal Affairs equipment and operational supplies.

The Anti-Corruption Unit Commander will be responsible for ensuring that an accurate inventory is maintained. The Anti-Corruption Unit Commander shall assign a supervisor/investigator to be responsible for the control and care of the Section's equipment and operating supplies.



Jesus Ibalmea
Major
Internal Affairs Section



Effective Date

Revised 11/15/17

STANDARD OPERATING PROCEDURES S.O.P. 15
(Continuation)

I. Operational Equipment

This equipment shall include any and all items which are not specifically assigned to Section personnel, i.e.; covert equipment, vehicles, loaner police radios, cameras, camcorders, surveillance equipment, etc.

- A. The assigned supervisor/investigator shall ensure that an accurate inventory of all such equipment is maintained. The supervisor shall advise the Unit Commander of any missing equipment.
- B. The assigned supervisor/investigator shall ensure that a log is maintained to record what piece of equipment has been checked out, by whom, date and time checked out, and returned.
- C. Loaner/spare police radios will be checked out to Section personnel only. The assigned supervisor/investigator shall ensure that a log is maintained to record which radio has been checked out by whom, the date checked out, and returned.
 - 1. Loaner/spare police radios which are needed for outside agencies during joint operations will require approval of the Unit Commander.

II. Use of Equipment

- A. Care must be taken when handling all equipment.
- B. Equipment that has written instructions supplied with it cover operating and maintenance procedures will be given to the person checking out the equipment.
- C. All equipment will be returned immediately upon completion of its use. It is prohibited to leave any equipment lying on desks, cabinets, or in officers' mailboxes, unattended and unused. All equipment will be returned promptly.

STANDARD OPERATING PROCEDURES S.O.P. 15
(Continuation)

III. Utilization of Equipment by other than Internal Affairs personnel.

- A. Members of other Departmental Units may not utilize Internal Affairs equipment unless expressly authorized by the Internal Affairs Section Commander.
- B. Other Law Enforcement Agencies will not be loaned equipment unless:
 - 1. A written request is made by a ranking member of that agency, accepting responsibility for repair or replacement if lost or damaged.
 - 2. The person utilizing the equipment is qualified in its operation.
 - 3. The Internal Affairs Section Commander grants the approval.

IV. Operational Supplies

This equipment shall include but not be limited to: DVD's, CD's, Batteries, Camcorder tapes, and any other related items pertaining to the daily operation of the Internal Affairs Section.

- A. The assigned supervisor/investigator shall ensure that these supplies are monitored and that the sufficient quantity is maintained to meet the Section's needs.
- B. Supplies will only be dispersed to Section personnel.

V. Checkout Procedure

All Internal Affairs Section's equipment and operational supplies must be obtained through the assigned supervisor/investigator who will ensure that an accurate inventory is maintained. A service/equipment request form is to be filled out by the requesting person and submitted whenever equipment is taken out and/or returned.

VI. Inventory

A complete inventory will be conducted on an annual basis with the results submitted in writing to the Section Commander. The assigned

STANDARD OPERATING PROCEDURES S.O.P. 15
(Continuation)

supervisor/investigator may designate a subordinate to conduct the annual inventory and to report the results in writing to the Section Commander. The assigned supervisor/investigator will be responsible for development and enforcement of equipment policy.

VII. Unlawful Use Prohibited

Internal Affairs Section equipment must never be used for other than legal law enforcement purposes.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

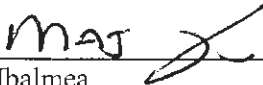
S.O.P. 16

SUBJECT: SECTION ALARM SYSTEM.

PURPOSE: To provide security and confidentiality of all Internal Affairs records and to provide an overview of the procedures, in the operations of the alarm system of the Internal Affairs Section.

SCOPE: To identify responsibilities of the Internal Affairs Section personnel in the operation of the Alarm System.

- I. Alarm System operational hours.
 - A. During normal non-working hours (1700-0700), the Internal Affairs Section is protected by an alarm system.
 - B. Saturday, Sunday and holidays the Alarm System will be armed on a by hour basis.
- II. Responsibilities for Arming and Disarming the Alarm System.
 - A. Disarming the Alarm System's main entrance.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 16
(Continuation)

1. The first Internal Affairs personnel (sworn/non-sworn) entering the office complex has the responsibility for disarming the alarm by using their assigned access number.
- B. Arming the Alarm System's main entrance.
 1. It will be the responsibility of the last Internal Affairs personnel (sworn/non-sworn) leaving the office complex to insure that the Alarm System has been armed prior to his/her leaving for the day.
- C. Disarming Alarm System of the Records Vault.
 1. It shall be the responsibility of the first person entering the records vault on that given date to disarm the alarm system.
- D. Responsibility for after hours Disarming and Arming of Alarm Systems.
 1. It shall be the responsibility of any section personnel entering the Internal Affairs Section complex after normal working hours to disarm the alarm system utilizing their own personal access code number.
 2. Upon leaving the section complex, it shall be the responsibility of that individual who disarmed the alarm system to ensure that it has been rearmed.
- III. Responsibility of Section Personnel when alarm system has been found disarmed.
 - A. Search of the complex.
 1. When any personnel discovers the alarm system disarmed, he/she will immediately conduct a search of the Section Complex for any unauthorized personnel.
 - B. Notification.
 1. Once a search of the Section Complex has been accomplished, one of the Section Commanding Officers will be notified immediately. This notification will be followed up by a red-line memorandum to the Section Commanding Officer detailing the circumstances, time and date, etc.

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 16

(Continuation)

IV. Activation of Alarm System.

- A. It shall be the responsibility of the Commanding Officer or On-Call Investigator who is notified that the alarm system has been activated to respond to the Internal Affairs Section Complex to conduct an investigation into the activation.
- B. Upon completing the investigation, the Commanding Officer shall arm the section alarm system prior to leaving the complex.
- C. The Commanding Officer shall forward a red-line memorandum to the Section Commanding Officer detailing the circumstance.

V. Personal Code Confidentiality.

- A. Each member is responsible for ensuring complete confidentiality of his/her entrance code.
- B. Should a member suspect that his/her code has been compromised, he/she will immediately notify his/her Commanding Officer, report the circumstances, and request a new code.

City of Miami



EMILIO T. GONZALEZ, Ph.D.
City Manager

INTERNAL AFFAIRS SECTION

STANDARD OPERATING PROCEDURES

S.O.P. 17

SUBJECT: INTERNAL AFFAIRS MONTHLY AND ANNUAL REPORTS

PURPOSE: To specify the regular reports published by the Internal Affairs Section and to establish procedures for preparing the reports.

SCOPE: To provide guidelines in the preparation of the numerous statistical reports published by the Internal Affairs Section.

I. Monthly Statistics

- A. Prepared by an Administrative Assistant by the 10th of the following month and forwarded to the Chief of Police through channels.
- B. Cumulative month by month, with the December report serving as the annual report depicting statistics on the following:
 - 1. Internal Affairs Cases: opened, closed, disposition and classification of complaints.
 - 2. Discharge of Firearms Reports/Relieved of Duty
- C. The statistics will be prepared utilizing the various IAPro reports.

mas. J

 Jesus Ibalmea
 Major
 Internal Affairs Section

05-15-19

 Effective Date

Revised 5/15/19



- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 17

(Continuation)

II. Quarterly On-Call Investigators Listing

- A. Prepared by an Administrative Sergeant semi-annually and forwarded to the Chief of Police.
- B. The listing will be prepared on an inter-office memorandum to include the dates assigned, name, car radio numbers, cellular and home phone number of the on-call investigator.
- C. The listing will be distributed to Communication Section.

III. Semiannual Emergency Mobilization List

- A. Prepared by January 1 and July 1 of current year and forwarded to the Chief of Police. As needed, the list is also periodically prepared.
- B. The listing will be prepared on an inter-office memorandum to include the names of all Internal Affairs personnel, radio call numbers, cellular, home phone numbers and home addresses.

IV. Incident Tracking System (ITS)

- A. Prepared quarterly (every three months report) by the Intelligence Analyst and forwarded to the Chief of Police, with copies to each Division Chief.

V. Discharge of Firearms Report

- A. Prepared monthly on the 5th of each month.
- B. The report will reflect all discharges for the previous month. This report is to be forwarded to the Field Operations Division, through channels, to include:
 - 1. Name of person discharging a firearm.
 - 2. Response to Resistant log number.
 - 3. Internal Affairs case number.
 - 4. Investigator assigned.

VI. Clothing Allowance Forms

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 17
(Continuation)

A. Prepared for new personnel

XIV. Annual Evaluations

- A. Evaluations will be prepared on an annual basis upon receipt of the appropriate report from the Personnel Unit.
- B. Evaluations are the responsibility of all employees in a supervisory capacity.

XV. Documented Annual Review of Agency Practices Including Citizen Concerns

- A. Concerning bias-based profiling complaints, the Lieutenant of the Internal Affairs Section shall conduct an annual administrative review of department practices, including citizen concerns. The review, comprised of complaints from the previous year, shall be completed as expeditiously as possible. The Lieutenant shall prepare the report and its findings on an inter-office memorandum and submit the report to the Major of the Internal Affairs Section. The report shall then be forwarded to the Chief of Police.
- B. The purpose of the report is to provide the department with a review of bias based profiling complaints. This review may reveal patterns or trends that indicate training needs and/or policy modifications. This report will also address citizen concerns which will assure the public that we are providing police service in a safe, legal and professional manner.
- C. The review shall include corrective measures taken, if any (e.g. progressive discipline, remedial training, etc.).

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 18

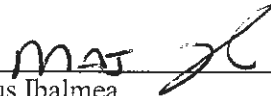
SUBJECT: GUIDELINES FOR STATE APPROVED DESTRUCTION OF INTERNAL AFFAIRS RECORDS.

PURPOSE: To provide general criteria for the destruction of Internal Affairs records upon obtaining approval from the State of Florida Archives.

SCOPE: The Internal Affairs Section will annually review their records in order to purge and destroy those files that meet the stipulated criteria. The destruction of records will take place upon approval and receipt of a Records Disposition Request Form from the Florida Department of State Bureau of Archives, State of Florida Records Retention Schedule and Records Management.

I. Criteria for destruction.

- A. All Internal Affairs records are to be destroyed after a period of five years beyond either the employee's termination date, retirement date, or State Law.
- 1). Internal Investigation Records: Final Action Summary - This record series consists of the final results of cases investigated that allege employee misconduct and/or violate department regulations and orders, state and federal statutes and municipal ordinances. The completed investigation file is scheduled separately based on the nature of the outcome (sustained, not sustained, unfounded or exonerated charges). The statement of final action may take many forms, including, a memorandum, correspondence, logs, or reports.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 18
(Continuation)

RETENTION:

- a) Record copy. Retain as long as the Personnel File.
- b) Duplicates. Retain until obsolete, superseded or administrative value is lost.

- 2). Internal Investigation Records; Not Sustained/Unfounded - This record series consists of cases investigated that allege employee misconduct and/or violate department regulations and orders, state and federal statutes and municipal ordinances and the charges were found to be not sustained or unfounded.

RETENTION:

- a) Record copy. 1 year.
- b) Duplicates. Retain until obsolete, superseded or administrative value is lost.

- 3). Internal Investigation Records: Sustained Formal - This record series consists of cases investigated that allege employee misconduct and/or violated department regulations and orders, state and federal statutes and municipal ordinances and the charges were sustained and formal discipline given. It includes statements by officer, person filing complaint and witnesses, if any. "Formal discipline" shall be defined as including demotions, removals, suspensions or similar action.

RETENTION:

- a) Record copy. 5 years after retirement, termination, or State Law.
- b) Duplicates. Retain until obsolete, superseded or administrative value is lost.

- 4). Internal Investigation Records: Sustained Informal - This records series consist of cases investigated that allege employee misconduct and/or violate department regulations and orders, state and federal statutes and municipal ordinances and the charges were sustained and informal discipline given. It includes statements by officer, person filing complaint, and witnesses, if any. "Informal discipline" shall be defined as including written or verbal reprimands, memoranda or similar action.

RETENTION:

- a) Record copy. 3 years after final disposition.
- b) Duplicates. Retain until obsolete, superseded or administrative value is lost.

- B. This criteria is applicable to investigations regardless of their findings, Response to Resistance, Discharge of Firearms, and K-9 Bite Reports.

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 18
(Continuation)

- C. The Administrative Unit at the beginning of each calendar year will conduct the review and purging of records.
- D. Reprimands, once received from D.D.R.B., will be entered into the computer system and normal distribution will be performed. The Internal Affairs Section will not retain any copies of reprimands unless it is related to an Internal Affairs investigation.
- E. Purging and destruction of Internal Affairs records are subject to a contractual agreement between the City of Miami and F.O.P. Lodge #20, Article 8.2.
- F. Records Disposition Request Form from Florida Department of State Bureau of Archives and Records Management (refer to S.O.P. 17, Annex 1).

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 19

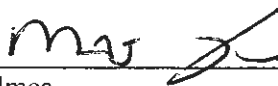
SUBJECT: COMPUTERIZED SUBPOENA RETRIEVAL SYSTEM (E-Notify).

PURPOSE: To provide procedures by which subpoenas are retrieved by Internal Affairs personnel from the computer.

SCOPE: These procedures will serve as a guide to properly use the computerized Subpoena Retrieval System.

I. Responsibility.

- A. All Internal Affairs personnel will assume their own court retrieval responsibility through the E-Notify system.
- B. This function will be carried out during every tour of duty.
- C. Internal Affairs Supervisors are responsible to ensure their subordinates are acknowledging their court notifications through the E-Notify System.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 19
(Continuation)

- II. Procedures for the Retrieval of Subpoenas.
 - A. All Internal Affairs personnel will retrieve their court subpoenas through the E-Notify system.
 - B. Supervisors will only acknowledge for a subordinate, when the subordinate has an acceptable explanation to the supervisor, that they are unable to retrieve their notification.
 - C. E-Notify system escalations that are sent to supervisors will be acknowledged by the employee or supervisor, before the notification is escalated to the next level.
 - D. Supervisors that acknowledge escalations, will document a reason (I, V, EO, IF, etc.) that the subordinate was not able to retrieve their notification.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

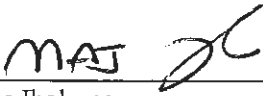
S.O.P. 20

SUBJECT: CIVIL SERVICE SUBPOENAS/HEARING NOTICES.

PURPOSE: To provide service of subpoenas for the Civil Service Board and hearing notices for the Law Department.

SCOPE: The Internal Affairs Administrative Sergeant is charged with the responsibility of service of all subpoenas issued by the Civil Service Board and all Civil Service Hearing notices issued by the Law Department. In their absence, the Internal Affairs Section Commander will designate another sworn member to complete this task.

- I. Subpoenas received by the Administrative Unit from the Civil Service Board are to be served in a timely manner by a sworn member of the Section. The following guidelines are to be used.
 - A. The subpoena will be served directly to the person summoned to appear, unless he/she is an employee of the City of Miami. In that case, the employee's supervisor/commander is authorized to acknowledge receipt for the employee.
 - B. The person accepting service will enter the date received and served, as indicated on the subpoena and sign his/her name.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

Revised 11/15/17

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 20

(Continuation)

- C. The server will witness delivery of said subpoena by signing for the Chief of Police, as his/her designee.
 - D. When a subpoena is accompanied by a witness fee (check), the server is to write the check number and the amount on the bottom portion of the subpoena, prior to delivery. A photo copy of the check will be made and attached to the D.D.R.B. Detail's copy of the subpoena after service.
 - E. When a civilian witness is subpoenaed on behalf of the City of Miami, it is the responsibility of the server to obtain the required witness fee. When a subpoena is received for a civilian witness for the City, a formal memorandum will be directed to the Commander of the Business Management Section requesting a check be drawn in the amount of \$6.00, payable to the person summoned. This request is to be accompanied by a copy of the subpoena. When the witness fee is received, the subpoena is then served.
 - F. When service of the subpoena is complete, the copies attached will be distributed in the following manner.
 - 1. White - Witness
 - 2. Green and Yellow - Civil Service Board.
 - 3. Pink - Unit File
 - G. Any problems experienced during the notification of or with attendance by subpoenaed individuals are to be immediately communicated to the City Attorney.
- II. Hearing notices received by the Administrative Unit from the Law Department will be either delivered directly or faxed to the member's Commanding Officer during his/her absence. Recipients of Hearing Notices will sign and date the notice to document acknowledgment of receipt and thereafter promptly return same to the Internal Affairs Section.
- A. Any problems experienced during the notification process or with attendance by individuals notified, are to be immediately communicated to the City Attorney and documented in the respective case file.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES


S.O.P. 21

SUBJECT: CIVILIAN INVESTIGATIVE PANEL (CIP).

PURPOSE: To provide a guide in the assistance of the Civilian Investigative Panel (CIP) acting as independent civilian oversight of the sworn police department.

SCOPE: To identify the responsibilities of the Internal Affairs personnel with their functions.

- I. Upon receipt of complaint(s) received from the Civilian Investigative Panel (CIP), the complaint will be forwarded to the Administrative Sergeant, who would make a determination as to the merit of the complaint. Once an assessment is made, a letter (Annex 1 or Annex 2) will be forwarded to the CIP, advising of Internal Affairs Section's determination on an investigation.
- II. The Administration Unit will prepare and forward a copy of all complaint forms (121's) and the initial complaint letter to the CIP upon request, unless excluded by the Section Commander.
- III. The investigators, upon request, will provide the CIP with all case-specific information requested and legally available including written materials, audio or videotapes, and all related documents.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 21
(Continuation)

- IV. At the conclusion of the Internal Affairs investigation, the investigative report prepared for the Chief of Police, shall be forwarded to the Civilian Investigative Panel (CIP) within three (3) working days

- 3 -

STANDARD OPERATING PROCEDURES: S.O.P. 21
(Continuation)

Annex 1

Civilian Investigative Panel (CIP)
970 SW 1 Street, #305
Miami, Florida 33130

REFERENCE: CIVILIAN INVESTIGATIVE PANEL (CIP) CASE #

Dear CIP:

The Internal Affairs Section is in receipt of the complaint, which was filed with your office, then forwarded to us requesting investigation. After reviewing the complaint, we will not be conducting an investigation because of insufficient information.

If you have any questions, contact us at (305) 835-2000, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Thank you for bringing this matter to our attention.

Sincerely,

Jesus Ibalmea
Major
Internal Affairs Section
for: Rodolfo Llanes
Chief of Police

Jl:xx

- 4 -

STANDARD OPERATING PROCEDURES: S.O.P. 21
(Continuation)

Annex 2

Civilian Investigative Panel (CIP)
970 SW 1 Street #305
Miami, Florida 33130

REFERENCE: CIVILIAN INVESTIGATIVE PANEL (CIP) CASE #

Dear CIP:

The Internal Affairs Section is in receipt of the complaint, which was filed with your office, then forwarded to us requesting investigation. We are conducting an investigation on this case. This case is assigned to Detective _____.

If you have any questions, contact us at (305) 835-2000, Monday through Friday, from 8:00 a.m. to 5:00 p.m.

Thank you for bringing this matter to our attention.

Sincerely,

Jesus Ibalmea
Major
Internal Affairs Section
for: Rodolfo Llanes
Chief of Police

Jl:xx

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

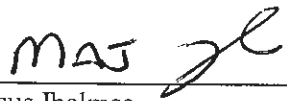
S.O.P. 22

SUBJECT: EMERGENCY MOBILIZATION

PURPOSE: To outline the procedures for implementing emergency mobilization to provide whatever resources may be necessary to adequately support operationally mobilized personnel.

SCOPE: General responsibilities (refer to Departmental Order 10, Chapter 1).

- I. An Alpha/Bravo listing shall be provided on a monthly basis to the Office of Emergency Management & Homeland Security Commander.
- II. During a departmental call-up, unit personnel will report in an Alpha/Bravo mode to the Internal Affairs Office.
- III. Reporting personnel will then be made available to the E.O.C. Commander to be deployed as needed.



Jesus Ibalmea
Major
Internal Affairs Section

11-27-17

Effective Date

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

S.O.P. 23

SUBJECT: CIVIL DISORDER.

PURPOSE: To provide procedures to cover the duties and responsibilities of Internal Affairs Section personnel in the event of a mobilization situation.


SCOPE: The Internal Affairs Section Commander or his designee shall be notified whenever any of the five (5) Operational Phases of the Departmental Emergency Mobilization Plan are implemented (refer to Departmental Order 10, Chapter 4).

I. Mission

It shall be the mission of the Internal Affairs Section to safeguard the integrity of the City of Miami, the integrity of the Miami Police Department and the rights of all citizens within our jurisdiction during any phase of the Emergency Mobilization.

- A. The Internal Affairs Section shall receive any complaints filed, shall interview complainants and witnesses, when necessary.
- B. Internal Affairs Section investigators shall respond to any scenes or major situations, when requested.

II. Actions During Operational Phases



 Major Jesus Ibalmea
 Commander
 Internal Affairs Section

11-27-17

 Effective Date

Revised 11/15/17

- 2 -

STANDARD OPERATING PROCEDURES: S.O.P. 23
(Continuation)

A. Operational Phases I and II

Upon notification, the Internal Affairs Section Commander or his designee shall have all Section personnel notified to be on standby alert in the event that Operational Phase III or higher is implemented.

B. Operational Phases III, IV, or V

1. The Internal Affairs Commander or his designated representative shall report to the Chief of Police.
2. The on-call investigator shall report to the Field Command Post.
3. The Commander or his designee shall cause the notification of all Section personnel to respond to duty.
4. All Section personnel shall be assigned to Alpha/Bravo shifts commanded by Internal Affairs Unit Commanders.
5. The Alpha/Bravo shift Commanders shall maintain a detailed log of all activities performed. At the conclusion of the Emergency Mobilization, a detailed After-Action report shall be completed.

INTERNAL AFFAIRS SECTION
STANDARD OPERATING PROCEDURES

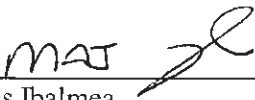
S.O.P. 24

SUBJECT: HURRICANE & SEVERE WEATHER

PURPOSE: To outline the procedures by which the Internal Affairs Section will guide itself should a hurricane threaten the City of Miami.

SCOPE: General responsibilities - refer to Departmental Order 10, Chapter 3.

- I. An Alpha/Bravo listing shall be provided on a monthly basis to the Office of Emergency Management & Homeland Security.
- II. During a departmental call-up, unit personnel will report in an Alpha/Bravo mode to the Internal Affairs Office.
- III. Reporting personnel will then be made available to the E.O.C. Commander to be deployed as needed.



Jesus Ibalmea
Major
Internal Affairs Section

1427-17

Effective Date

Revised 11/15/17