



Fort Pierce Police Department

Personnel Complaint Report



It is the policy of the Fort Pierce Police Department to accept and investigate all complaints of employee misconduct fairly and impartially to determine the validity of the allegations, and to impose any disciplinary actions that may be justified in a timely and consistent manner. All complaints will be processed and investigated in accordance with federal, state, city laws, and appropriate collective bargaining agreements, as well as city and departmental policies and procedures. Complaints or notice of an allegation of misconduct will be accepted from any source.

Each year members of our agency have thousands of contacts with the public. In an overwhelming majority of these contacts our employees provide exceptional service to the community they serve. However, in some cases, individuals may question why an incident was handled in a particular manner or they may disagree with the actions of the department employee.

The Police Department values the feedback it receives from the community as a means to evaluate current policies or employee conduct. For example, if a particular policy routinely generates questions from citizens, the policy may need to be changed, or employee training may need to be increased in that area. Occasionally, an employee's actions may be inappropriate and warrant corrective action.

The Police Department takes people's concerns seriously. We believe the public is entitled to efficient, fair, and impartial service. We investigate all allegations of employee misconduct, respond to inquiries about employee actions or department policy, and document all complaints we receive.

We formally investigate allegations and inquiries for these reasons:

1. To protect citizens from actual misconduct by an employee;
2. To protect the department and our employees who conduct themselves appropriately;
3. To identify policies and procedures that may need review or change, and to find ways to improve the quality of our service to the community.

Our department considers a complaint from the community to be:

1. An allegation from any source of circumstance(s) amounting to a specific act or omission which if proven true would amount to employee misconduct, or;
2. An expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

Investigations into the above described complaints are titled "Administrative Investigations" by our agency. You will see this term used throughout our literature and policies and procedures.

The police department, however, does not consider a disagreement over the elements of a traffic citation or parking ticket to be a complaint. Those matters are best resolved by the appropriate court as a neutral fact-finder. You should be aware that filing a complaint will not affect any pending criminal or traffic charges. Complaints of this nature may be handled through our Deferral for Court Action process.

This packet was developed to explain what you can expect to happen if you file a complaint and outlines the anticipated time line of the investigation. In addition, this packet contains a Personnel Complaint Form on which you can document your complaint. You are not required to use this form when making a complaint and the department would encourage you to speak directly with a supervisor. You will not be required to come to the police station to file a complaint.

Filing a Complaint – How Can I File a Complaint?

The Police Department accepts complaints in whatever manner you feel comfortable with: in person, by mail, by email, or by phone. You can also view and download this packet, with the Personnel Complaint Form, at www.fppd.org.

Police department supervisors are authorized to mediate certain complaints received by the agency. Any such mediation must be agreed upon by you, detailed in a report by the supervisor, and sent to the Office of Professional Standards for review and retention.

The Complaint Process – What Happens After I File My Complaint?

If you choose to make a complaint, we will follow a formal process (please be patient as this process can take months to complete, however, all administrative investigations will be completed within 180 days of receipt of the complaint) to ensure that your complaint is thoroughly investigated. When you file a complaint, regardless of how you do it, you will be asked for your name, address, and contact information so that you may be contacted at a later date. Your complaint will be reviewed by the Office of Professional Standards at which time you may be contacted for more information. Upon completion of the Office of Professional Standards review your complaint will be forwarded to a supervisor for investigation. The supervisor should contact you within two weeks of the agencies receipt of your complaint. If you are not contacted within two weeks please contact the Office of Professional Standards at 772-468-1805. The supervisor conducting the investigation will conduct a sworn taped interview with you and all other identified witnesses. The investigating supervisor will also conduct a sworn taped statement of the subject employee. Upon the conclusion of the administrative investigation the investigating supervisor will forward his/her investigation to a Bureau Commander.

The Bureau Commander will review and approve the investigation, as well as, make a determination as to the findings and recommended agency action (if applicable).

When determining the findings the Bureau Commander will utilize the following dispositions:

- Sustained Violation: The investigation produced a preponderance of evidence to prove the allegation of an act which was determined to be misconduct.
- Not Sustained: The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.
- Exonerated: The alleged act or acts, which provided the basis for the complaint or allegation, occurred; however, the investigation disclosed that they were justified, legal and proper and in conformance with the law and agency policy and procedure.
- Unfounded: The alleged act or acts, which provided the basis for the complaint or allegation, did not occur.
- Policy Deficiency: The alleged act or acts occurred and the act and/or omission was improper, but the employee was not at fault. The administrative investigation disclosed that the agency's policy was inadequate and that was the proximate cause of the alleged misconduct.

When determining the recommended agency action (if applicable) the Bureau Commander must take into consideration numerous factors, including but not limited to, the following:

- The employee's work history
- Prior agency disciplinary action for the same misconduct
- Was the agency's policy and procedure clear and understandable
- Is the employee likely to engage in similar misconduct in the future
- And various mitigating factors

The Bureau Commander will then forward his/her findings and recommended agency action to the Chief of Police for final review and approval.

Based on the results of the investigation and the Bureau Commanders findings/recommendations the Chief of Police may take the following action, if applicable:

- Counseling
- Reprimand
- Suspension
- Demotion
- Termination

Regardless of the findings of the investigation, a letter will be sent to you informing you of the outcome of the investigation and your right to review the investigation.

Things You Need to Know:

The State of Florida has enacted Florida State Statute 112.532 (known as the Law Enforcement Officers' and Correctional Officers' Rights) which provides sworn law enforcement officers of our agency certain rights during administrative investigations. The State of Florida also has a broad public records law which mandates that certain information is public record. Considering these, and other laws, rules, or practices, please be aware of the following:

- That, at the conclusion of the investigation, everything you say will become a matter of public record.
- That, if your complaint is against a sworn law enforcement officer, he/she will be provided a copy of your complaint and sworn statement, prior to his/her interview.
- That anything you say may or may not be used in a Civil Service hearing, appeal/grievance process, and/or court of law.
- That it is a misdemeanor for any person who is a participant in an internal investigation, including the complainant and any witnesses in the investigation, to willfully disclose 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.
- That making a false statement and/or false police report is a criminal violation under F.S.S 837.012 and 837.06, and is punishable by law.

- That 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.
- All administrative investigations must be completed within 180 days of the receipt of the complaint.

Also be aware, that if the findings of the investigation are sustained (the accused employee committed all or part of the alleged acts of misconduct), the disciplinary process will begin. This process may include, but not limited to, a pre-disciplinary hearing, grievance procedures, and/or civil service hearings. The rights of employees, in regards to disciplinary action, are regulated by Federal, State, and local laws as well as collective bargaining agreements; therefore, due diligence on our part is required when determining disciplinary action.

After completing the attached form, have your signature notarized, or signed by a Fort Pierce Police Officer and return it to the Police Department. You may either deliver it to the main station or the Willie B. Ellis Substation located at 1220 Avenue D, or mail it to:

Fort Pierce Police Department
Office of Professional Standards
920 U.S. Highway 1
Fort Pierce, FL 34950

If, after returning this form to the police department, you recall any specific facts relevant to the allegations in your statement, please write them down and provide them to the investigator when you meet with him/her.

Please ensure that all of your allegations have been fully covered and discussed in your statement.

Personnel Complaint Form

AI Case Number _____

Complainant Information		
Name of Complainant:		
Age:	Sex:	Race:
Contact Address:		
Contact Telephone Number:		
Witness Information		
Name of Witness:		
Age:	Sex:	Race:
Contact Address:		
Contact Telephone Number:		
Witness Information		
Name of Witness:		
Age:	Sex:	Race:
Contact Address:		
Contact Telephone Number:		
Employee Information		
Name or physical description of employee involved:		
Badge Number, if known:	Vehicle Number, if known:	
Complaint Information		
Date of Incident:	Time of Incident:	
Location of Incident:		
Please state the specific complaint (e.g., rude, inattentive, unprofessional):		
In your own words, provide a detailed account about the incident that you feel was misconduct on the part of the above listed employee:		

