
Personnel Complaints

1003.1 PURPOSE AND SCOPE

The purpose of this directive is to provide supplemental procedures to the Department's Personnel Complaints Policy.

The procedures for conducting any administrative investigation will be in accordance with those rights and privileges enumerated in Florida Statutes, including [FSS 112.532](#) (Law Enforcement Officer's Bill of Rights), the U.S. Supreme Court ruling in *Garrity v. New Jersey* (Garrity Decision), and any other applicable rules, regulations, and/or laws.

1003.2 GENERAL

When a citizen wishes to file a complaint against a member of the Green Cove Springs Police Department any and all members should be as courteous and helpful as possible. The complaining citizen should be provided with a department Complaint Form ([See attachment: IA-2 Complaint Form.pdf](#)). Just because the citizen doesn't want to complete an official form does not exclude their complaint from being filed and investigated. Citizens may file complaints in several different manners, verbally being one of them. Additionally, citizens wishing to file complaints are not required to give their name or other personal information to any member. Citizens requesting a Complaint Form are not required to tell any member why they want the form or who they intend to file a complaint on. Members who receive a complaint that was not originally received via the Department form should fill out a form as much as possible and transfer it to the proper supervisor.

Generally, most complaints received by the Department will involve allegations that fall within level 1 offenses, as defined in policy. These will usually be complaints of an officer speeding, not resolving a situation as the complainant wished it to be resolved or even rudeness. These complaints will be regarded as Supervisor Reviews (SR's) and the member's immediate supervisor will be charged with investigating the matter and resolving it. Level 1 offenses should not result in punitive discipline for the subject member(s). Supervisor Reviews will still be documented on the Department's Complaint Form and forwarded to the member's division commander, the Commander of the Administrative Division and ultimately the Chief of Police. The Administrative Commander will be charged with reviewing and documenting all complaints.

More serious allegations (i.e., excessive use of force, criminal activity, and officer involved injuries or deaths) will rise to level 2 offenses and will be investigated as Internal Affairs Investigations (IA's). These are more formal investigations in which the accused member will be afforded all of the rights and safeguards provided by Florida law. Level 2 offenses may result in punitive discipline against the subject member(s), including up to termination of employment and/or criminal charges.

The administrative investigation process (Supervisor Review or Internal Affairs Investigation) is designed to be as transparent and fair to members and complainants as possible. Some investigations (i.e., criminal) may require a level of discretion.

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Assigned investigators should examine all of the facts, interview all witnesses and collect all relevant information. Investigators should maintain an unbiased opinion of the subject member(s) and wait until the completion of the investigation to form an official opinion.

Members involved in administrative investigations may experience emotional and/or mental distress during and after the investigation. For this reason, the Department's CISM team should be notified of the investigation when feasible. Affected members and CISM team members should not discuss the facts of the case, but instead focus on member resources and well-being.

Members involved in an administrative investigation should not discuss the active case with other members, whether they are involved in the investigation or not. Discussing the investigation may alter a person's recollection or persuade a person to change their account of the situation.

Member/witness interviews will be a very important aspect of most Internal Affairs Investigations. The State of Florida has established the Florida Law Enforcement Officers' Bill of Rights in order to provide law enforcement officers with certain rights while being interviewed. The Chief of Police has extended these rights to non-sworn members of the Green Cove Springs Police Department as a means of uniformity and fairness. Interviewing members should ensure they are familiar with these rights and apply them as intended. Members being interviewed should be provided with their rights, interviewed after all witnesses and only after he/she has had an opportunity to review all evidence and witness statements.

Under state statute, internal investigations of members that stem from citizen complaints generally must be completed within one hundred and eighty (180) days of the Department receiving notice of the allegation. In an effort to ensure administrative investigations are completed in a timely and uniform manner, assigned members should strive to complete the investigation within one hundred and thirty (130) days of receiving the complaint. This will include complaints that stem from citizens and internally from other members. In extraordinary situations where the assigned member can not complete the investigation within 130 days, they should apply for a specific time extension with the Chief of Police. In this written request, the assigned member should explain why the extra time is needed.

Once an Internal Affairs Investigation has been concluded, it will be forwarded to the Administrative Commander along with the assigned member's findings and the disposition of each alleged charge. The commander will review the file in its entirety and may change the dispositions if he/she sees reason. The Administrative Commander will also provide suggested discipline for any allegations found to be "Sustained."

Once the Administrative Commander has reviewed the file, it shall be forwarded to the Chief of Police for review. The commander should inform the subject member, in writing, that the case has been forwarded to the Chief of Police. When reviewing the case file, the Chief of Police may accept the findings and suggested discipline. The Chief of Police may also change the disposition or request a closer look into any aspect of the case. When the Chief of Police is prepared to make a decision on discipline he/she should inform the subject member(s) in writing; this will begin the Pre-Discipline Process. In the Pre-Discipline Process, subject members may have access to the

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complete file for their review. The subject member(s) may then present a written or oral response to the Chief of Police within seven (7) business days after receiving the case file. In their response, the subject member may make mitigating claims or provide other relevant information. The Chief of Police will consider all aspects of the case and render a timely written decision.

In cases involving alleged policy violations by a member of the Department in an administrative investigation which may lead to discipline, a department member may request an Allegation and Discipline Resolution Process (ADRP) meeting at any time prior to the conclusion of the investigation by the assigned member. The purpose of the meeting will be to discuss potential discipline and administrative charges in order to determine if a consensus resolution can be reached on the appropriate charge(s) and discipline, if any. (See the Department's Allegation and Discipline Resolution Process Policy).

When a member is being investigated for criminal activity, an Internal Affairs Investigation shall take backseat to the criminal investigation. Members who are compelled to answer questions in reference to an administrative investigation can not have that testimony used against them in any criminal case. This is a major reason why the criminal case must be addressed before the internal investigation. Investigators can work parallel with a criminal investigation but the Internal Affairs Investigation can not be completed until the criminal case has been inactivated or closed. Evidence and testimony gathered in a criminal case can be used against a member in an administrative investigation.

1003.3 MEMBER INTERVIEW GUIDELINES (CAL. 26.3.5)

In accordance with the Florida Law Enforcement Officers' Bill of Rights ([FSS 112.532](#)), the following interview guidelines and procedures will be afforded to all sworn members of the Department. The Chief of Police has also extended the same rights and privileges to non-sworn members:

- (a) Interviews with department members shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Green Cove Springs Police Department station or other reasonable and appropriate place. Interviews should be conducted in a office or conference room setting when possible.
- (c) Prior to any interview, a member shall be informed in writing of the nature of the investigation and the names of all complainants. Members will be notified if they are the subject of the administrative investigation or a witness.
- (d) Members should be served with an Administrative Investigation/Files Form ([See attachment: IA-8 Administrative Investigative File.pdf](#)), prior to questioning.
- (e) All members shall provide complete and truthful responses to questions posed during interviews.

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1. Members should be served with a Perjury Warning Form ([See attachment: IA-14 Perjury Warning.pdf](#)).
- (f) When possible, all identifiable witnesses should be interviewed before the accused/ subject member is interviewed.
- (g) Members should be provided a copy of the original complaint and a Member's First Notification Form ([See attachment: IA-3 First Notification of Investigation.pdf](#)), at least twenty-four (24) hours before being questioned.
- (h) All sworn members will sign and date a copy of the Law Enforcement Bill of Rights ([See attachment: IA-4 Bill of Rights Notification.pdf](#)) in the presence of the investigator prior to the interview.
 1. Sworn members should be provided a copy of the Law Enforcement Bill of Rights at least twenty-four (24) hours before being questioned.
- (i) The accused member shall be provided with the complaint, all witness statements and all other existing evidence prior to the beginning of any investigative interview.
- (j) The member shall be informed of the rank, name and command of the person in charge of the investigation, the interviewing person and all persons that will be present during the interview.
- (k) The subject member should be served with a Questioning Warning Form ([See attachment: IA-7 Questioning Warning.pdf](#)), prior to being questioned.
- (l) The interviewer shall record all interviews of members and witnesses. The recording shall be preserved in such a manner as to allow a transcript to be prepared. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
 1. Upon request, the member shall be provided with a copy of the recording made of his/her interrogation session within 72 hours.
- (m) All members subjected to interviews that could result in discipline have the right to have an attorney or any other representative present at all times during the interview whenever it relates to the member's fitness for duty. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 1. A member's representative's role is primarily that of an observer. He/she should be advised not to intervene or interrupt the interview unless requested to do so by the subject member, or unless the interview leads to issues of potential criminal activity.
 2. The member's representative should not be involved with the investigation.
 3. Members with representation should be issued the Garrity Warning for Representative Form ([See attachment: IA-12 Garrity Warning for Representative.pdf](#)), prior to questioning.

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- (n) One investigator will be designated as the primary investigator and designated to ask questions, unless waived by the interviewed subject.
 - 1. No more than two investigators should be present during questioning.
- (o) Member should not be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (p) During administrative interviews, investigators or supervisors should refrain from making any judgemental statements, which could result in the complainant or accused member reaching premature conclusions that might be contrary to the final disposition.
- (q) If a department member notifies the investigator that he/she is violating the Law Enforcement Officers' Rights Act or the Department's Personnel Complaints Policy, no further questions should be asked. The interview shall not be continued until after any compliance review hearing is held ([FSS 112.534](#)).
- (r) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (s) No member may be compelled to submit to a polygraph or other truth verification examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
 - 1. If an examination is conducted, the examiner must have a certificate of training on file with the Department and approved by the Chief of Police.
- (t) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
 - 2. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Garrity Warning advisement ([See attachment: IA-6 Garrity Warning.pdf](#) .)
 - 3. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

Members attending formal interviews with Internal Affairs regarding potentially criminal matters should not be armed (i.e., firearms, knives, ECW's, OC spray, etc.). Secure storage for weapons is provided in the police station, or weapons may be secured in the member's vehicle.

If the subject member is under arrest, or is likely to be placed under arrest as a result of the interview, he/she shall be advised of his/her Miranda Rights prior to the commencement of the interview.

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1003.3.1 GARRITY

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

1003.4 RECORDINGS/TRANSCRIPTS

The interview of all accused members in an Internal Affairs Investigation (IA) will be recorded and transcribed. The recordings may be video/audio or just audio. Recordings of subject interviews should be transcribed before they are presented to the Chief of Police, unless there is an equipment malfunction. In those cases, a summary of the interview will suffice. Interviews of witnesses may be transcribed as needed.

If a recorded statement is lost, for whatever reason, the procedure will be to notify the person who made the statement and explain what happened. The person who made the statement will have the option to read a prepared summary of the original interview. If the person is in agreement with the summary and does not wish to be re-recorded a notation will be made in the file. If the person making the statement does wish to have their statement re-recorded, that will be arranged by the investigator. A notation will be made in the file containing all the decision mad with respect to this aspect.

If a verbatim transcript is prepared, members shall review their transcribed statements and confirm the accuracy of the transcription. Minor corrections may be made and initialed by the member. Corrections that change the meaning of the statement are prohibited unless a review of the recordings discloses an error in transcription. The transcript may be reviewed by the Administrative Division Commander or by electronic means (email).

Under most circumstances, one of both parties to the interview should review transcribed statements, if possible. Should it not be practical or necessary to have the interviewed party sign their transcribed statement, the recording shall be held for at least two (2) years. Should litigation hold notice to received due to legal action or the possibility of legal action against the City, the Department, or any of its members, any recorded statements in the possession of the Department that pertain to the pending litigation shall be held until disposal is authorized by the City Attorney.

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During an active investigation, a member or citizen may receive a copy of his/her own written statement or interview transcript, if prepared. The transcript shall be provided by the Administrative Commander within a reasonable time period.

1003.4.1 FORMAT

Whenever a statement or recorded interview is made with a complainant, witness, or member, the following information will be part of the preamble:

- (a) Name and rank of interviewer;
- (b) Location of the interview (if a recorded phone conversation, telephone number called);
- (c) Date and time;
- (d) Name and rank of person being interviewed;
- (e) Names of anyone else present.

1003.4.2 UN-RECORDED PORTIONS

Any pre-interviews (unrecorded preparatory interviews) with subjects will only include an explanation of the process, completion of necessary forms, and procedure of the questioning. Elements of the case or cases being investigated shall not be discussed at this time. Anything done or said before the recording begins shall be summarized at the beginning of the recorded interview.

1003.5 ADMINISTRATIVE INVESTIGATIONS CASE LOG

All administrative investigations shall be issued a sequential case number by the Administrative Division Commander. The case numbers will contain the following information:

- IA (signifying for an Internal Affairs Investigation);
- The year the investigation was opened;
- The sequential number of the administrative investigation.

The Administrative Investigations Log shall list the following information:

- The name of the complainant(s);
- The name of the subject officer(s);
- The allegations;
- Date complaint was received;
- Assigned investigator or supervisor;
- Findings of the investigation.

Attachments

IA-2 Complaint Form.pdf



GREEN COVE SPRINGS POLICE DEPARTMENT

Chief Derek S. Asdot
1001 Idlewild Avenue
Green Cove Springs, FL 32043 (904) 297-7300



Citizens Complaint Form

It is the policy of the Green Cove Springs Police Department (GCSPD) to investigate any, and all, allegations and complaints of misconduct against a member of the police department.

If you have a concern about the actions taken by a member of the Green Cove Springs Police Department you may utilize any of the options, outlined below, to make us aware:

1. You may complete this form and submit it to the police department (in person, by mail or via email).
2. You may contact us directly at the Green Cove Springs Police Department, located at 1001 Idlewild Avenue in Green Cove Springs, Florida 32043 and file your complaint in person.
3. You may use a letter sent via official mail service.
4. You may contact us by telephone at 904- 297-7300 (You should ask to speak with a supervisor. If a first-line supervisor is unavailable, you may ask to speak with a Division Commander).
5. You may contact the Department via fax at 904-284-1436.
6. You may inform us via the various GCSPD social media platforms.
7. You may contact us via email at info@gcspd.com.

Citizen complaints may be filed anonymously; however, if there are no investigative leads (i.e., witnesses, names, contact information, dates, or times) it may be difficult to conduct a thorough investigation into the allegations.

Upon receipt of a citizen complaint, a member of the Department will contact you to acknowledge receipt. The person receiving your complaint may ask you to provide as much information as possible, or for additional information regarding the incident. If you were involved in or witnessed the incident, it may be important that a written statement be obtained from you. If you have a concern that stems from an arrest or citation issued to a family member or yourself, it may not be investigated until the legal matter has been settled through court proceedings.

A citizen complaint may be investigated in one of two ways, depending on the seriousness of the allegations. It will either be forwarded to the member’s supervisor for inquiry or to Internal Affairs (more serious allegations) for investigation. Formal investigations pertaining to misconduct require investigators to contact all available witnesses, including police officers, examine any relevant physical evidence and gather all information pertinent to each allegation made in the complaint. Upon completion of the investigation, the Chief of Police will review the finding in each case. The five possible findings in misconduct investigations are:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Policy Failure- When the member's misconduct was in-line with existing policy or there was no policy which addressed the incident. The investigation reveals policy changes are recommended.

At the completion of a member misconduct investigation, you will be notified in writing of the findings. When a finding of “Sustained” is determined, corrective action will be taken. The type of corrective action imposed is subject to the provisions of the City of Green Cove Springs Charter and the Green Cove Springs Police Department’s Policy and Procedure Manual. Discipline may include training, counseling, and action up to and including termination. If your complaint is sustained and punitive discipline is imposed, the member has appeal rights. Therefore, you may be required to testify at one or more administrative proceedings.

While the Green Cove Springs Police Department is committed to processing valid citizen complaints against any department member, we are also cognizant that some individuals may make a false complaint against a police department employee. We want to caution any citizen making a false allegation that you may find yourself criminally charged under any of the following Florida State Statutes:

Florida Statute 837.06 False Official Statements.

Florida Statute 837.012 Perjury When Not in a Official Proceeding.

Florida Statute 837.02 Perjury in Official Proceedings.

Florida Statute 837.021 Perjury by Contradictory Statements.

Your valid concerns and criticisms help us become a more trusted and professional law enforcement agency. At the same time, a thorough and impartial investigation procedure helps protect employees from unwarranted charges when they perform their duties properly.

GREEN COVE SPRINGS POLICE DEPARTMENT

Citizens Complaint Form / Notice and Disposition

(Official Use Only)

Recommended: **Supervisor Review** **Internal Affairs** **I.A. #** _____

Involved Member(s)/I.D. #: 1) _____
 2) _____
 3) _____
 4) _____

Member I.D. #	POSSIBLE VIOLATION	LEVEL 1 / LEVEL 2/ UNKNOWN	DISPOSITION

(Depositions for Internal Affairs Investigations (I.A.'s) must be detailed in the Administrative Investigation Report)

Assigned Investigator or Supervisor: _____

Supervisor's Signature/I.D. #: _____ Date: ____/____/____

Supervisor's Signature/I.D. #: _____ Date: ____/____/____

Admin. Commander's Signature/I.D. #: _____ Date Reviewed : ____/____/____

Chief of Police Signature/I.D. #: _____ Date Reviewed : ____/____/____

IA-8 Administrative Investigative File.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

ADMINISTRATIVE INVESTIGATION/FILES

SR/IA # _____

The contents of an Administrative Investigation file are exempt from the public records law until the investigation is concluded or becomes inactive. There is a statutory presumption that an investigation is inactive if it has not been concluded within 180 days of the complaint being filed.

The contents of an administrative investigation (Internal Affairs) file continues to be exempt from public records law even after the investigation is completed if a criminal investigation of the incident is pending or the state attorney's office is considering filing criminal charges.

FLORIDA STATUTE 112.533(4) PROVIDES THAT:

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.

I have read and understand the above and furthermore, I am aware that a first degree misdemeanor carries a penalty of one (1) year in jail or a \$1,000 fine or both.

Member's Signature/I.D.#

Date

Witness Signature/I.D.#

Date

IA-14 Perjury Warning.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

PERJURY WARNING

Name: _____ IA#: _____

ID No: _____ Rank: _____ Assignment: _____

Date: _____ Time: _____ Place: _____

FSS 837.012, PERJURY

(1) Whoever makes a false statement, which he does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a misdemeanor of the first degree, punishable as provided in FSS 775.082, FSS 775.083 and FSS 775.084.

I solemnly swear that the sworn statement(s) I am about to give are the truth, the whole truth and nothing but the truth, so help me God.

Member's Signature/I.D.#

Witness Signature/I.D.#

IA-3 First Notification of Investigation.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

MEMBER'S FIRST NOTIFICATION OF INVESTIGATION

TO:

FROM:

DATE:

IA#:

This letter serves as written notice that an inquiry has been filed against you concerning:

A copy of the original complaint and a Notice to the Chief of Police is attached.

It is my intention to interview you at a date/time to be set, about this incident. Once the interview has been set, you may request a postponement of up to twenty-four (24) hours.

During the interview, you will be asked questions specifically directed and narrowly related to the incident in question.

You are entitled to the protection provided by the City of Green Cove Springs Personnel Policies, the Rules & Regulations, and General Orders of the Green Cove Springs Police Department, the Police Officers Bill of Rights as defined in F.S.S 112.532 – 534, and the Constitution of the United States.

Feel free to contact me should you have any questions.

Member's Signature/I.D.# of Acknowledgement

Date

Attachment:

IA-4 Bill of Rights Notification.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT
BILL OF RIGHTS NOTIFICATION

Name: _____ I.D. #: _____

Rank: _____ Assignment: _____

Date: _____ Time: _____ Place: _____

Under Florida law (FSS 112.532) and department policy, all members shall have the following rights:

1. Your interrogation shall be conducted at a reasonable hour, preferably at the time when the member is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
2. The interrogation shall take place either at the office of the command of the Public Integrity Investigator or at the office of the organizational component in which the incident occurred, as designated by the investigator or agency.
3. The member under investigation shall be informed of the rank, name and command of the Investigator in charge of the investigation, the interrogating member, and all persons present during the interrogation, all questions directed toward the member under interrogation shall be asked by and through only one interrogator at any one time.
4. The member under investigation shall be informed of the nature of the investigation prior to any interrogation, and he shall be informed of the name of the complainant(s).
5. Interrogation sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.
6. The member under interrogation shall not be subjected to offensive language or threatened with transfer, dismissal or disciplinary action. No promise or reward shall be made as an inducement to answering any questions.
7. The formal interrogation of the member, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements.

8. If the member under investigation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.
9. At the request of any member under investigation, he shall have the right to be represented by counsel or any other representative of his choice who shall be present at all times during such interrogation whenever the interrogation relates to the member's continued fitness for law enforcement or correctional service.

The undersigned hereby acknowledges that he was informed of the above rights.

Member's Signature/I.D.#

Witness Signature/I.D.#

IA-5 Bill of Rights Notification.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

BILL OF RIGHTS NOTIFICATION

Name: _____ SR/IA#: _____

ID No: _____ Rank: _____ Assignment: _____

Date: _____ Time: _____ Place: _____

Under Florida law (FSS 112.532) and department policy, all members shall have the following rights:

1. Your interrogation shall be conducted at a reasonable hour, preferably at the time when the member is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
2. The interrogation shall take place either at the office of the command of the Public Integrity Investigator or at the office of the organizational component in which the incident occurred, as designated by the investigator or agency.
3. The member under investigation shall be informed of the rank, name and command of the Investigator in charge of the investigation, the interrogating member, and all persons present during the interrogation, all questions directed toward the member under interrogation shall be asked by and through only one interrogator at any one time.
4. The member under investigation shall be informed of the nature of the investigation prior to any interrogation, and he shall be informed of the name of the complainant(s).
5. Interrogation sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.
6. The member under interrogation shall not be subjected to offensive language or threatened with transfer, dismissal or disciplinary action. No promise or reward shall be made as an inducement to answering any questions.

7. The formal interrogation of the member, including all recess periods, shall be recorded, and there shall be no unrecorded questions or statements.
8. If the member under investigation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.
9. At the request of any member under investigation, he shall have the right to be represented by counsel or any other representative of his choice who shall be present at all times during such interrogation whenever the interrogation relates to the member's continued fitness for law enforcement or correctional service.

The undersigned hereby acknowledges that he was informed of the above rights.

Member's Signature/I.D.#

Witness Signature/I.D.#

IA-7 Questioning Warning.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

SUBJECT MEMBER QUESTIONING WARNING

IA#: _____

I wish to advise you that you are being questioned as part of an official, internal administrative investigation of the Green Cove Springs Police Department.

You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

I am not questioning you for the purpose of a criminal prosecution. Your statements, any information or evidence that is gained by reason of such statements cannot be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to this matter currently under investigation or in subsequent departmental charges. Immunity from giving a compelled administrative statement does not extend to perjury or untruthfulness and, as such, may subject you to both criminal prosecution as a felony under F.S. 837.02 (perjury in an official proceeding) and the imposition of disciplinary action by the police department.

You are further reminded that during the course of this interview and investigation, you are subject to all Green Cove Springs Police Department policies and procedures.

Member's Nam (Print)

Date

Member's Signature/I.D.#

Witness Name (Print)

Date

Witness Signature/I.D.#

IA-12 Garrity Warning for Representative.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

GARRITY WARNING FOR REPRESENTATIVE

IA#: _____

Garrity Warning Notification States:

Due to this investigation being an Administrative Investigation and any self-incriminating criminal information disclosed will not be used against the subject member in a Court of Law, the member is required to answer all questions fully and truthfully.

If the member refuses to answer questions, it will be a violation of the policies and procedures of the Green Cove Springs Police Department.

Only the subject member can answer these questions and/or make a statement, therefore no one else can speak on their behalf. This is not a Judicial Proceeding; it is an Administrative Inquiry investigation governed under FSS 112. If the Counsel/Representative interrupts the questioning and the subject member does not answer the questions fully and truthfully, this will be in violation of department policy.

Under FSS 112 (1), a Law Enforcement Officer shall have the right to be represented by or any other representative of his/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. This provision has been extended to non-law enforcement members of the department by the Chief of Police.

The member's representative is authorized by the member to be a delegate allowed by FSS 112 to be PRESENT only.

The member is a compelled employee and must answer questions truthfully, therefore the representative is not allowed to speak on the member's behalf.

The member's statement and/or answers to questions is the mitigating circumstance(s) that is evidence determining the outcome of this investigation; not the interjection or testimony provided by a representative on the member's behalf.

Once again, if the representative interferes with the investigation, this will be a violation of Green Cove Springs Police Department policy.

Member's Signature/I.D. #

Date

Representative's Signature

Date

IA-6 Garrity Warning.pdf

GREEN COVE SPRINGS POLICE DEPARTMENT

GARRITY WARNING

#: _____

At this time, I am going to question you about:

This questioning concerns administrative matters relating to the official business of the Green Cove Springs Police Department. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal proceedings.

Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in a court of law, you are required to answer my questions fully and truthfully. This requirement is set forth in our Green Cove Springs Police Department Policy and Procedures, requiring members of the Green Cove Springs Police Department to comply with all lawful orders.

If you refuse to answer my questions, this is a violation of the policies and procedures of the Green Cove Springs Police Department, and you will be subject to disciplinary action.

Do you understand what I have explained to you? **Yes or No**

Do you have any questions concerning what I have just explained to you? **Yes or No**

I, _____, by my signature below affirm that I have been advised of the "Garrity Warning" and have had its meaning explained to me.

Employee's Signature/I.D.#

Date

Witness Signature/I.D.#

Date