



**MEETING AGENDA  
SESSION OF THE CIVILIAN POLICE OVERSIGHT BOARD  
CITY OF KISSIMMEE  
CITY HALL, COMMISSION CHAMBERS  
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054  
THURSDAY, JANUARY 15, 2026 AT 6:00 PM**

- 1. MEETING CALLED TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. MINUTES**
  - 3.a Approval of the Civilian Police Oversight Board Minutes from November 13, 2025 Meeting
- 4. PUBLIC COMMENT**
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
  - 6.a Review General Order 120
  - 6.b Review General Order 202
- 7. ADJOURNMENT**

In accordance with Florida Statutes 286.105: Any person wishing to appeal any decision made by the Civilian Police Oversight Board with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

**ITEM 3.a**

**Approval of the Civilian Police Oversight Board Minutes from November 13, 2025 Meeting**

**Item Information**

Approval of the Civilian Police Oversight Board Minutes from November 13, 2025 Meeting



**MEETING MINUTES  
SESSION OF THE CIVILIAN POLICE OVERSIGHT BOARD  
CITY OF KISSIMMEE  
CITY HALL, COMMISSION CHAMBERS  
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054  
THURSDAY, NOVEMBER 13, 2025 AT 9:00 AM**

**1. MEETING CALLED TO ORDER**

**Members Present:** Board Member Angel Ramos, Board Member R. LeWayne Johnson, Board Member Manuel Ortega, Board Member Michele Lebron, Board Member Norisbet Rodriguez

**Staff Present:** Police Chief Broadway, Assistant Chief McGinley, Assistant City Attorney Curtis McGehee, City Clerk Tameara Crespo, Board Clerk Vanessa Nunez

**Members Absent:** Board Member Amber Craft, Board Member Verian Jeffers

The meeting was called to order at 9:00 AM.

**1.a Introduction of Civilian Police Oversight Board Members**

Each board member gave a background of professional accomplishments. The recently appointed Board members are as follows;

- Board member Manuel Ortega
- Board member Verian Jeffers
- Board member Amber Craft
- Board member Dr. Robert LeWayne Johnson
- Board member Norisibet Rodriguez
- Board member Michele Lebron
- Board member Angel Ramos

**1.b Selection of Civilian Police Oversight Board Chairperson and Vice Chairperson**

Board Member Michele Lebron made a motion to appoint Board Member Ortega as Chairperson. Board Member Ramos seconded the motion.

AYE: Board Member Ramos, Board Member Johnson, Board Member Ortega, Board Member Lebron, Board Member Rodriguez

NAY: None

Motion Passed 5 - 0.

Chairperson Ortega made a motion to appoint Board Member Dr Johnson as Vice Chairperson. Board Member Rodriguez seconded the motion.

AYE: Board Member Ramos, Board Member Johnson, Board Member Ortega, Board Member Lebron, Board Member Rodriguez

NAY: None

Motion Passed 5 - 0.

2. **MINUTES**
3. **PUBLIC COMMENT**
4. **OLD BUSINESS**
5. **NEW BUSINESS**

5.a Approval of 2026 Meeting Calendar

The Board engaged in discussion regarding proposed calendar dates and times. Consensus was received to amend the meeting start time from 9am to 6pm. City staff to confirm virtual attendance options and will report back to the board at a future date.

Board Member Ortega made a motion to amend the quarterly meeting start times from 9am to 6pm. Board Member R. LeWayne Johnson seconded the motion.

AYE: Board Member Ramos, Board Member Johnson, Board Member Ortega, Board Member Lebron, Board Member Rodriguez

NAY: None

Motion Passed 5 - 0.

5.b Sunshine Law Review & GO 120 Review

Assistant City Attorney McGehee presented a PowerPoint overview of The Sunshine and Public Records Law (exhibit A) and answered questions presented by board members. He further reviewed the duties and responsibilities of board members.

5.c Selection of Policies, Procedures and General Orders for Future Review

Chief Broadway addressed the board. and informed them that they could review policies online and engaged in discussion on which policies they would like to review at the next meeting. A consensus was received to review the use of force , discipline and media/communication policies. Board Members can email Board Clerk Nunez should they wish to review anything additional, and it will be included on the next agenda.

6. **ADJOURNMENT** Chairperson Ortega opened the floor for board members to make brief statements prior to the meeting being adjourned.

There being no further business to come before the Chairman Ortega adjourned the meeting at 10:02 AM.

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Board Chairman

ATTEST:

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Board Secretary

# **Sunshine Law, Public Records, and Civilian Oversight Board Rules and Powers**

Presented By: Curtis McGehee, Assistant City Attorney





# Sunshine Law: *Article I, Section 24 of the Florida Constitution*

- Florida's Government in The Sunshine Law, provides a right of access to governmental proceedings at both state and local levels.
- The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before the board for action.



# SUNSHINE LAW OVERVIEW

The Sunshine Law Has Four Basic Requirements:

- Meetings must be open to the public
- Reasonable notice of such meetings must be given;
- Minutes of the meetings must be taken and promptly recorded;
- Public has the right to speak on all propositions except ministerial and emergency matters.

# STATUTORY INTERPRETATION

## WHAT IS A MEETING SUBJECT TO SUNSHINE LAW?

- Applies to any gathering, whether formal or casual, where two or more members of the same board are present if the members discuss any matter which **will foreseeably come before the board for action**.
  - Includes telephone or video calls, email, commenting on a social media post, or other electronic means.
  - Includes using a non-board members (such as an organization or staff) as a liaison to circulate information and thoughts of individual board members. AGO 74-47.

Note: Staff and other non-members should refrain from asking Commissioners, in order to provide information to the other Commission members, to state his or her position on a specific matter (also known as “polling”) which will **foreseeably** be considered by the Board at a public meeting. AGO 89-23.

Written reports circulated among Board members for comments, where such comments can be seen by the other members, is a violation of the Sunshine Law. AGO 90-03

Board members may not engage in an exchange or discussion of matters on Facebook or other social media, e.g. Twitter that may foreseeably come before the Board for action. AGO 09-19

# STATUTORY INTERPRETATION

## WHAT MEETINGS ARE **NOT** SUBJECT TO SUNSHINE LAW?

- Community forums sponsored by private organizations
- Two members of different boards
- Board members attending meetings of another public body (but no discussion or debate on issues that may come before the board)
- Social functions
- Staff Meetings, although a staff committee given authority by the board in the decision-making process may be subject to the Sunshine Law.

# NOTICE REQUIREMENTS

- Reasonable notice must be given as such time and in such a manner as will enable interested members of the public to attend the meeting.
- “Not less than one week prior to the meeting” – per City Policy in accordance with guidance from Florida AG



# PUBLIC MEETINGS

- The term “open to the public” means open to all persons who choose to attend. AGO 99-53
- This includes members of the press, competitive bidders, and employees.
- Boards may not exclude some members of the public from meetings.
- Meetings must be held in building that are open to the public, and not in private homes.

# PUBLIC'S RIGHT TO SPEAK

- Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or a commission.
- The public's right to speak is limited. City's may adopt reasonable rules and policies to ensure orderly conduct of meetings.



# VOTING

- Board members “may not abstain from voting in regard to any such decision, ruling, or act’ and a vote shall be recorded or counted for each member present, unless, with such member, there is, or appears to be, a possible conflict of interest under [sections] 112.311, 112.313, [or 112.3143, Florida Statutes].”





## EXEMPTIONS

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- There are limited number of exemptions which would allow a public agency to close a meeting. These include, but are not limited to, certain discussions with legal counsel over pending litigation and portions of collective bargaining sessions.



# PENALTIES

- Civil penalties up to \$500 against each participating member. A knowing or intentional act is not required. Section 286.011(3)(a), Florida Statutes.
- Criminal penalties, including incarceration and fines, for any Board member who knowingly attends such a meeting or has a prohibited contact in violation of the statute. Section 286.011(3)(b), Florida Statutes.
- Suspension or removal. Section 112.52, Florida Statutes.

# CONSEQUENCES

- Any action taken at a meeting tainted by a Sunshine Law violation is void. Section 286.011, Florida Statutes
- In addition, a violation may require the Board member to hire private counsel either for private suits or for criminal prosecutions.

# PUBLIC RECORDS

## Chapter 119, Florida Statutes



- Florida's Public Records Law provides for citizens to have a virtually unlimited access to the records of government.
- "Public Records" means **all** documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission, **made or received** pursuant to law or ordinance or **in connection with the transaction of official business by an agency**. Section 119.011(12), Florida Statutes.
- May include emails, text messages, and social media posts if made or received in connection with the transaction of official business by an agency.

## ***City of Sunny Isles Beach v. Gatto*, 338 So. 3d 1045 (Fla. 3d DCA 2022)**

- Background: if a City receives a public records request (PRR) for a board member's **text messages**, the City must ask the board member whether they have any responsive text messages on their private devices. *O'Boyle v. Town of Gulf Stream*, 257 So. 3d 1036 (Fla. 4th DCA 2018).
- Facts: City received a PRR for text messages that a city commissioner was observed sending during a commission meeting. City and commissioner refused to provide messages. Requestor sued. Court reviewed all text messages.
- Court found that text messages between the commissioner and a city resident that addressed city business were public records, but text messages between the commissioner

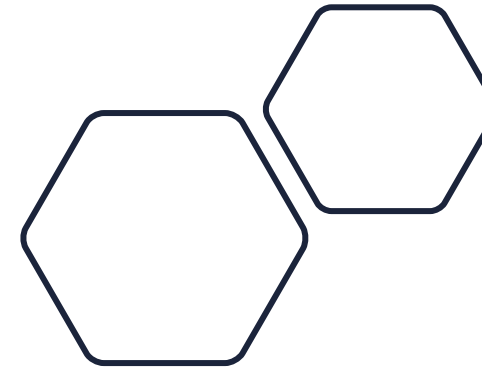
***Bear v. Escambia County Board of County Commissioners, 2022 WL 602266 (N.D. Fla. 2022)***  
**Similar Rules for Social Media**

- Finding the following types of information posted or received on a social media account are public records:
  - Requests by constituents for a commissioner to look into or act in a manner affecting their district or to consider voting in a certain way on a county manner,
  - General expressions of thanks for the commissioner's service,
  - Requests for information about county matters from constituents and the commissioner's responses,
  - Expressions of disagreement or complaints about the commissioner's position on county matters, and
  - Statements on the commissioner's position and opinions on county matters and explanations to constituents about his votes or plans for taking action as commissioner.

# PUBLIC RECORDS CONTINUED...

- Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records or his/her designee. Section 119.07(1)(a), Florida Statutes.
- A person's motive in seeking access to public records is irrelevant. Therefore, the City cannot ask the reason for the public records request. *Curry v. State*, 811 So.2d 736 (Fla. 4<sup>th</sup> DCA, 2002).
- There are numerous exemptions to the Public Records Law. The custodian of the requested public record must identify the exemption he/she relied upon in not releasing a record.

# PENALTIES



- Individual violations are subject to criminal and civil penalties.
- The City can be assessed attorney's fees for failing to comply.
- A Board Member can be removed from office for failing to comply.



# Civilian Police Oversight Board Rules

**SECTION 1.** Chapter 2-3, of the Code of Ordinances of the City of Kissimmee, Florida, titled, Boards and Commissions, is hereby amended by adding a Division titled “Civilian Police Oversight Board”, which shall read as follows:

(B) *Organization and meetings.*

(3) *Rules.* All actions of the Board shall be in accordance with applicable law to include but not limited to, the Florida Public Records Law, Florida Government in the Sunshine Law, and the Law Enforcement Officers’ Bill of Rights. The Board shall follow the KPD General Order titled “Civilian Police Oversight Board” (hereinafter “KPD General Order”). All meetings of the Board shall be open to the public and held after reasonable public notice. In the absence of a specific rule in this Section or the KPD General Order, members shall follow the current edition of *Robert’s Rules of Order Newly Revised* when conducting the official business of the Board. The Board shall prepare minutes for all Board meetings and keep a record of its resolutions, findings and recommendations, and attendance and voting records of its members, all of which shall be public record. The Board shall meet at a date, time, and frequency determined by the Chief of Police.

# Meeting Process: Agenda Format

KISSIMMEE POLICE DEPARTMENT  
GENERAL ORDER

|                                                                                     |                                |                      |
|-------------------------------------------------------------------------------------|--------------------------------|----------------------|
|  | TITLE: CITIZEN OVERSIGHT BOARD | 120                  |
| EFFECTIVE: 07/01/2025                                                               | REVISED: 09/19/2025            | SCOPE: ALL EMPLOYEES |
| REVIEW AUTHORITY: SUPPORT SERVICES DIVISION CAPTAIN                                 |                                |                      |
| CFA STANDARDS: N/A                                                                  |                                |                      |

## 120.03 Meeting Process:

a. *Agenda Format:*

1. Meeting Called to Order
2. Consideration of Prior Meeting Minutes
3. Public Comment
4. Old Business
5. New Business
  - i. Review of KPD Rules
  - ii. Other Business
6. Next Meeting Announcements
7. Adjournment

# Meeting Process Generally

## 120.03 Meeting Process:

5. Decisions of the Board shall be made by a seconded motion and shall be carried upon a majority vote of the members. In the absence of a specific rule in this policy, members shall follow the current edition of Robert's Rules of Order Newly Revised when conducting the official business of the Board.
6. Members have the right to change their vote until the time the result is announced; after that they may change their vote only by permission of the Board, which may be given by unanimous consent or adoption of a motion to grant the permission, which is un-debatable.
7. Members are encouraged to explain their decisions during discussion of a motion to allow for additional input from other Board members especially when the Board member opposes a motion.
8. All persons wishing to be heard on any matter must be recognized by the Chairperson. That person shall then state their name and address prior to addressing the Board.
10. Each speaker shall have three (3) minutes to address the Board. The Board may extend the time of a speaker by majority vote.
11. The Board Administrator shall time the comments and notify the Board when the three (3) minutes have expired.

# PARLIMENTARY PROCEDURE: THE BASICS

- Quorum (per ordinance a majority of board members)
- Fundamentals
  - Courtesy to All
  - One Subject, One Speaker at a Time
  - Majority Rule
  - Respect for the Rights of the Minority
  - Impartiality
  - Protection of the Absentee
- Purpose
  - Expedite Business
  - Maintain Order
  - Ensure Justice and Equality

# MOTION STEPS

- Board Member Makes the Motion (“I Move”)
- Another Board Member Must Second The Motion
- Chairman Restates the Motion
- Chairman Calls for Discussion on the Motion
- Chairman Calls for a Vote on the Motion
- Chairman Announces the Outcome of the Vote



# AMENDMENTS

- Anytime after a motion is seconded but prior to a vote, a Board Member may Move to Amend the Original Motion.
- An Amendment must go through the same steps as the original motion.
- An Amendment must be voted on before the original/Amended Motion is voted on.
- An Amendment may insert words, strike words, or substitute words in the Original Motion.
- An Amendment may also be Amended prior to a Vote on the amendment.

# POSTPONEMENT OF ITEM

- If a Board Member wishes to postpone discussion or voting on an item, then a Board Member may “move” to postpone an item to a certain time or indefinitely.
- The Motion must be seconded.
- Discussion is limited to the reason for postponement.
- A majority vote is required to postpone an item.

# VOTING

- Discussion is over once the chair calls for a vote.
- Unless otherwise noted, a majority vote passes the motion.



*A tie vote shall cause the motion to be “No Action”*

# Civilian Police Oversight Board Powers

## *(C) Powers and duties.*

- (1) Advisor to Chief of Police.* The Board shall be advisory to the Chief of Police who shall always remain in command of the Kissimmee Police Department.
- (2) Review of Police Department rules.* The Board shall review policies, procedures, rules, regulations, general, or special orders (hereinafter “KPD Rule” or “KPD Rules”) upon request of a City of Kissimmee Commissioner, a member of the Board, the City Manager, a designee of the City Manager, the Chief of Police, or a designee of the Chief of Police.
- (3) Reports.* Following a review of a KPD rule pursuant to subsection (2) above, the Board shall submit a written report to the Chief of Police. The report shall state with specificity the grounds for such recommendation. The report shall be signed by the Chairperson and be reflective of the majority of the Board. Any written dissenting opinions or recommendations shall be signed and forwarded with the majority report.

# Civilian Police Oversight Board Reports

- Written reports may contain any of the following:
  1. A recommendation for approval of the KPD Rule.
  2. A recommendation for disapproval of the KPD Rule.
  3. A recommendation for modification or amendment of the KPD Rule.
  4. A recommendation for additional information, research or inquiry related to the KPD Rule.
- If a board member wishes to issue a dissenting opinion, the dissenting board member is responsible for preparing a dissenting opinion in writing and providing the opinion to the Board Administrator at the next meeting of the Board.



# Thanks!



| @CityofKissimmee

**ITEM 6.a****Review General Order 120****Item Information**

Assistant City Attorney, Curtis McGehee will provide a review of General Order 120 to the board members.

**KISSIMMEE POLICE DEPARTMENT**  
**GENERAL ORDER**

|                                                                                   |                                       |                             |
|-----------------------------------------------------------------------------------|---------------------------------------|-----------------------------|
|  | <b>TITLE: CITIZEN OVERSIGHT BOARD</b> | <b>120</b>                  |
| <b>EFFECTIVE: 07/01/2025</b>                                                      | <b>REVISED: 12/31/2025</b>            | <b>SCOPE: ALL EMPLOYEES</b> |
| <b>REVIEW AUTHORITY: SUPPORT SERVICES DIVISION CAPTAIN</b>                        |                                       |                             |
| <b>CFA STANDARDS: N/A</b>                                                         |                                       |                             |

120.01 Powers and Duties of the Board

120.05 Legal Advisor to the Board

120.02 Board Member Requirements

120.06 Disruptive Behavior

120.03 Meeting Process

120.07 Administrative Procedure

120.04 KPD Staff Representation

120.08 Nomination of Board Members

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**Policy:** The Chief of Police established a Civilian Oversight Board (hereinafter “Board”) to provide independent citizen oversight of the Kissimmee Police Department’s (hereinafter “KPD”) policies, procedures, rules and regulations, and general or special orders in accordance with Section 166.0486, Florida Statutes. It is the policy of KPD to support the work of the Board pursuant to the policy and procedure provided in this General Order.

**120.01 Powers and Duties of the Board:**

The Board shall be advisory to the Chief of Police who shall always remain in command of KPD.

The Board shall review KPD policies, procedures, rules, regulations, general, or special orders (hereinafter “KPD Rule” or “KPD Rules”) upon request of a City of Kissimmee Commissioner, a member of the Board, the City Manager, a designee of the City Manager, the Chief of Police, or the Internal Affairs Manager.

Following review of a KPD Rule, the Board shall submit a written report to the Chief of Police. The report shall be signed by the Chairperson and be reflective of the majority of the Board. Said written report may contain any of the following:

- a. A recommendation for approval of the KPD Rule.
- b. A recommendation for disapproval of the KPD Rule.
- c. A recommendation for modification or amendment of the KPD Rule.
- d. A recommendation for additional information, research or inquiry related to the KPD Rule.

The report shall state with specificity the grounds for such recommendations. The report shall be signed by the Chairperson and be reflective of the majority of the Board; written dissenting

## KISSIMMEE POLICE DEPARTMENT

### GENERAL ORDER

opinions/recommendations shall be signed and forwarded with the majority report. Should a dissenting Board member wish to issue a dissenting opinion, the dissenting Board member is responsible for preparing a dissenting opinion in writing and providing the opinion to the Board Administrator at the next meeting of the Board.

#### **120.02 Board Member Requirements:**

Each member shall reside, work, or own real property in the City of Kissimmee.

Every person who applies to be a member of the Board shall submit to a criminal background check. If the Chief of Police finds that an applicant's criminal history would undermine the credibility of the Board, then the Chief of Police may decline to appoint that applicant to the Board.

A member shall resign from the Board upon qualification as a candidate for elective office. A member cannot be a sitting elected official.

Five (5) members shall be initially appointed to the Board, three (3) shall be appointed for two (2) years, and two (2) for one (1) year. Thereafter, all appointments to the Board shall be for two (2) years. Members shall not serve more than three (3) consecutive two (2)-year terms.

The Chief of Police may remove a member for just cause or failure to attend more than twenty-five percent (25%) of regularly scheduled Board meetings within any year or two (2) consecutive meetings; provided, the member shall be entitled, at the member's option, to request a meeting with the Chief of Police prior to removal.

The Board shall elect a Chairperson and Vice Chairperson from amongst its members at the first regular meeting of the Board. The term of the Chairperson and Vice Chairperson shall be one (1) year with eligibility for reelection. Subsequent elections shall be held at the first regular meeting after the expiration of the officer's term. No member shall serve more than two (2) consecutive years as Chairperson or Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall preside and have the same powers and duties.

In accordance with section 286.012, Florida Statutes, no member may abstain from voting in regard to any decision, ruling or act; and a vote shall be recorded or counted for each member present, except when, with respect to any such member there is or appears to be a possible conflict of interest under the provisions of sections 112.311, 112.313, or 112.3143, Florida Statutes. In such cases, members shall complete Form 8B to comply with the disclosure requirements of section 112.3143, Florida Statutes, and the disclosure shall be notated in the minutes.

If a member arrives late to a meeting, the member is encouraged to ask questions to understand what is at issue and what they may have missed prior to voting.

#### **120.03 Meeting Process:**

**General Meetings:** The regularly scheduled Board meetings shall occur quarterly in the City Commission Chambers on the 1st floor of City Hall. With input from the Board members, the

## **KISSIMMEE POLICE DEPARTMENT**

### **GENERAL ORDER**

Chief of Police or their designee shall select a time and date for such meetings. However, the Chairperson may elect to cancel regularly scheduled Board meetings by notification to the Board Administrator if the Chairperson determines within fourteen (14) days prior to the regularly scheduled meeting that there is insufficient business to justify holding the regularly scheduled meeting. General Meetings shall adhere to the following agenda format and meeting process.

**a. *Agenda Format:***

1. Meeting Called to Order
2. Consideration of Prior Meeting Minutes
3. Public Comment
4. Old Business
5. New Business
  - i. Review of KPD Rules
  - ii. Other Business
6. Next Meeting Announcements
7. Adjournment

**b. *Meeting Process:***

1. The Board Administrator shall prepare the agenda for general meetings and publish it for public view not less than one (1) week prior to the meeting.
2. Three (3) members shall constitute a quorum to conduct business.
3. The Board Administrator shall keep a record of attendance of Board members and meeting minutes, which shall be public record. The Board Administrator shall report such absences of Board members to the Chief of Police.
4. All actions of the Board shall be in accordance with applicable law to include but not limited to, the Florida Public Records Law, Florida Government in the Sunshine Law, and the Law Enforcement Officers Bill of Rights. All meeting documents, findings, and decisions are public documents in accordance with Florida Public Records Law (Chapter 119, Florida Statutes).
5. Decisions of the Board shall be made by a seconded motion and shall be carried upon a majority vote of the members. In the absence of a specific rule in this policy,

## **KISSIMMEE POLICE DEPARTMENT**

### **GENERAL ORDER**

members shall follow the current edition of Robert's Rules of Order Newly Revised when conducting the official business of the Board.

6. Members have the right to change their vote until the time the result is announced; after that they may change their vote only by permission of the Board, which may be given by unanimous consent or adoption of a motion to grant the permission, which is un-debatable.
7. Members are encouraged to explain their decisions during discussion of a motion to allow for additional input from other Board members especially when the Board member opposes a motion.
8. All persons wishing to be heard on any matter must be recognized by the Chairperson. That person shall then state their name and address prior to addressing the Board.
9. The Chairperson has the discretion to call for brief recesses throughout the course of the meeting.
10. Each speaker shall have three (3) minutes to address the Board. The Board may extend the time of a speaker by majority vote.
11. The Board Administrator shall time the comments and notify the Board when the three (3) minutes have expired.
12. KPD Rules are discussed in accordance with the published agenda unless amended by the Chairperson.
13. All decisions of the Board made regarding recommending approval, disapproval, modification or amendment, or for additional information, research and inquiry of investigations regarding a KPD Rule are final.

#### **120.04 KPD Staff Representation:**

The following KPD staff shall be present at each meeting:

- a. The Internal Affairs Manager or their designee; and
- b. A KPD Administrative Staff member to act as the Board Administrator.

#### **120.05 Legal Advisor to the Board:**

Pursuant to City of Kissimmee Code Section 2-3-3, the City Attorney or their designee shall be legal advisor to the Board.

## KISSIMMEE POLICE DEPARTMENT

### GENERAL ORDER

#### **120.06 Disruptive Behavior:**

The Chairperson is responsible for maintaining decorum in all meetings and shall adhere to the following procedure in the event of a disruption:

- a. The Chairperson shall have the right and obligation to ask anyone in attendance at a Board meeting who disrupts or interferes with a meeting of the Board to leave the meeting facility. Conduct is disruptive or interferes with a meeting of the Board if a speaker continues to speak after the speaker has been warned that the speaker's time for comment set out in Section 120.03(a)(2)(x) has expired or if a person engages in other conduct which impairs or prevents the Board from addressing the meeting's agenda.
- b. The Chairperson shall warn the person disrupting or interfering with the proceedings that if they do not cease the activity causing the disruption or interference with the proceedings, then they shall be removed. The Chairperson shall specifically identify the specific conduct that is disrupting or interfering with the meeting when providing this warning.
- c. If the disruptive person refuses to leave the meeting facility after being requested to do so by the Chairperson, the Chairperson may request that a police officer issue a trespass warning to the person.
- d. The police officer shall follow *GO 429 – Trespass Policy* (Section 429.03), regarding issuing trespass warnings at City Hall, including obtaining the consent of a Captain prior to issuing a trespass warning.
- e. Should a physical arrest become necessary to remove the offending party from the meeting facility, the officer shall obtain a sworn statement from the Chairperson.

#### **120.07 Administrative Procedure:**

A City of Kissimmee Commissioner, a Board member, the City Manager or their designee, the Chief of Police, and the Internal Affairs Manager may request review of a KPD Rule by the Board by sending a request to review the KPD Rule to the Board Administrator in writing or by requesting review of the KPD Rule at a meeting of the Board.

At least one (1) month prior to a meeting of the Board, the Board Administrator, a representative from the Internal Affairs Division, and other KPD staff members as designated by the Chief of Police shall meet to prepare for the next meeting of the Board. The meeting shall determine the contents of the agenda for the next Board meeting by identifying whether the Chief of Police or the Internal Affairs member desires the Board to review any KPD Rule, identifying whether the Board or any other authorized person has requested review of any KPD Rule, reviewing any requests for amendment or modification to a KPD Rule made by the Board, and reviewing any other request the Board made of KPD at the prior meeting. During the meeting, attendees shall select the KPD staff member responsible for presenting each agenda item at the next meeting of the Board.

**KISSIMMEE POLICE DEPARTMENT**  
**GENERAL ORDER**

The Board Administrator shall provide a copy of any KPD Rule to be reviewed or discussed at a meeting of the Board to each Board member fourteen (14) days prior to the meeting of the Board.

The Board Administrator shall provide the minutes and any reports approved by the Board to the Chief of Police following each meeting of the Board.

**120.08 Nomination of Board Members:**

Pursuant to Section 166.0486, Florida Statutes, the Chief of Police appoints Board members. Prior to the first meeting of the Board, the Chief of Police shall appoint five or seven Board members. The Chief of Police shall appoint the majority of Board members to a two (2) year term and the remainder of Board members to a one (1) year term.

Upon removal, resignation, or the expiration of a term of a Board member, the Chief of Police shall appoint a replacement Board member within thirty (30) days. The Chief of Police may re-appoint Board members for a maximum of three (3) consecutive two (2)-year terms. At least one (1) of the Board members must be a retired law enforcement officer.

**APPROVED BY:**

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**CHARLES BROADWAY, CHIEF OF POLICE**  
**KISSIMMEE POLICE DEPARTMENT**

**ITEM 6.b****Review General Order 202****Item Information**

Kissimme Police Department Professional Standards Unit will provide a review of General Order 202 to the board members.



## KISSIMMEE POLICE DEPARTMENT

### General Order 202

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Title: Complaint Processing, Investigations, and Discipline

Effective Date: July 1, 2015

Revised Date: August 23, 2025

Review Authority: Internal Affairs Manager

Scope: All Employee

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202.01 Procedure

202.02 Reporting of Alleged Violation

202.03 Receipt of Complaint

202.04 Determining Complaint Status

202.05 Internal Affairs Data Management System

202.06 Rights of Employees

202.07 Requirements for Investigations

202.08 Compliance Review Process

202.09 Short Form Discipline

202.10 Supervisory Investigations

202.11 Internal Affairs Investigations

202.12 Statements and Evidence

202.13 Investigative Tools

202.14 Drug/Substance Abuse Testing

202.15 Relief from Duty

202.16 Timeliness of Investigation

202.17 Report of Findings

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**Policy:** It is essential that employees of the Kissimmee Police Department be provided with an environment in which they can exercise their legal and professional responsibilities without fear of reprisal or harassment. It is also essential that the Department maintain integrity and public respect by providing the general public with an environment where they are not subjected to law enforcement misconduct or abuse. To ensure these ends, the Kissimmee Police Department has adopted a formal complaint procedure. The Chief of Police and representatives shall maintain discipline for misconduct and shall take appropriate action. The Internal Affairs Unit has the responsibility of supervising and monitoring the disciplinary procedure on behalf of the Chief of Police.

**202.01 Procedure:** The Kissimmee Police Department has established and put into operation a system for recording, registering, and controlling all complaints and investigations of alleged or suspected misconduct within the Department. All complaints alleging employee misconduct shall be handled in a manner that ensures each is addressed effectively, through an adjudication process that is based on the principle of fair and equal treatment for all and that also complies with all applicable rules of law.



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The Department shall professionally and thoroughly investigate all allegations of employee misconduct in a manner that ensures the rights of all persons are protected throughout the investigation and subsequent proceedings.

**202.02 Reporting of Alleged Violations:** Supervisors shall document instances of work rule violations directly into the Internal Affairs data management system (BlueTeam), or by reporting alleged violations to the appropriate supervisor, or via memorandum, to Internal Affairs for further investigation. Any employee establishing a pattern of carelessness, negligence, or incompetence through documented deviation from work rules, or Internal Affairs Unit records, may be alleged to have violated Standards of Police Department Conduct.

Minor work rule violations may be handled via coaching sessions or entered into the City Employee Performance Module as a “boost” which documents an area where an employee needs to improve and is not considered formal discipline.

All alleged or suspected violations of the laws, statutes, or ordinances of the United States, State of Florida, City of Kissimmee, or any Department regulation, directive, or lawful command coming to the attention of any Department employee shall be reported as soon as practical using the appropriate format.

**202.03 Receipt of Complaints:** When an employee receives a complaint from someone outside of the Department against another employee, they shall refer the complainant to the appropriate supervisor or to the Internal Affairs Unit.

- a. Complaints shall be accepted from any source, whether made in person, by mail, or by telephone;
- b. Complainants should be encouraged to submit their complaint, in writing, utilizing the Allegation of Employee Misconduct form;
- c. Anonymous complaints shall also be accepted.
- d. An employee receiving a complaint shall contact an on-duty supervisor. The supervisor shall make contact with the complainant and attempt to satisfy the complaint if possible or refer to the proper investigating authority.
- e. The receiving supervisor shall also secure any relevant evidence provided by the complainant. These materials shall be forwarded to the proper investigating authority.

Should the complainant refuse to sign the Allegation of Employee Misconduct form, the supervisor or manager shall write “refused” on the signature line and sign their name.

*Exception:* The Allegation of Employee Misconduct form need not be signed when:

- a. The Complainant is a member of the city government.
- b. The Complainant is a member of any governmental agency.



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In some cases, the complainant may simply be unaware of the officer's or the employee's duties in a particular circumstance, or the complaint may be the result of a misunderstanding (Service/Practice related). The supervisor may be able to satisfy the complaint by adequately explaining these circumstances to the complainant (and should do so); in these cases, the supervisor should initiate an Inquiry Related to Service (IRS) event and document the circumstances in the narrative portion of the IRS EVENT screen. Supervisors handling issues other than those that are service/practice related and demeanor complaints that do not rise to the level of completing an Allegation of Employee Misconduct, and are satisfied upon meeting with the complainant, shall document the issue and resolution through an IRS entry in the Internal Affairs data management system. In addition to the documentation of the incident, the supervisor shall contact the Internal Affairs Unit to research if the employee has any previous history of the same or similar violations. The completed forms will be forwarded to the Internal Affairs Unit via the chain of command. Each IRS entry shall have an assigned and unique case number for tracking purposes.

The Internal Affairs Unit shall conduct regular audits to ensure all IRS calls are addressed in a timely manner and recorded properly in the Internal Affairs data management system.

Any agency employee may initiate an internal complaint using the Internal Affairs data management system (BlueTeam), or by sending a memorandum or other communication to the Internal Affairs Unit. However, only the Chief of Police or designee may authorize an investigation.

Internal complaints and investigations concerning violations of the Standards of Police Department Conduct General Order sections 201.03(d) Punctuality and Absences, 201.03(g) Reporting, 201.05(a) Department Property and Equipment, 201.05(f) Safe Driving of Police Vehicles, or 201.10(a) Court Appearances may be initiated without authorization by the Chief of Police.

All other complaints shall be investigated by members of the Internal Affairs Unit after approval from the Chief of Police, or their designee, is obtained.

All complaints alleging criminal behavior by agency employees shall be investigated by the proper investigative body and upon conclusion forwarded to the Internal Affairs Unit for an administrative review.

**202.04 Determining Complaint Status:** The Chief of Police or designee shall review each complaint and determine the method of investigation; Criminal Referral, Inquiry Related to Services, Supervisory Investigation, or Internal Affairs Investigation.

If it is determined an initiated administrative investigation should be voided, a detailed memorandum outlining the reasons shall be forwarded to the Chief of Police for approval and retained with the case file.



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**202.05 Internal Affairs Data Management System (BlueTeam):** The Internal Affairs Unit is responsible for recording, storing, and maintaining all complaints and investigations of misconduct against Department Employees utilizing the Internal Affairs Data Management System (BlueTeam).

**202.06 Rights of Employees:** Florida Statutes afford all officers who are the subject of an internal affairs investigation certain rights. Any employee who is the subject of an internal affairs investigation shall be afforded all rights and is expected to comply with all responsibilities contained in Florida Statutes.

In accordance with statutory provisions, any sworn Department employee who becomes the subject of an internal affairs investigation shall be notified in writing of:

- a. Nature of the complaint.
- b. Employee's rights and responsibilities relative to the investigation.
- c. Name of the complainant if known.

The Chief of Police has chosen to apply some of these provisions to all agency personnel, specifically the ability to review evidence and statements prior to the investigative interview and the ability to have a representative present during such interview. If non-sworn employees, believe evidence or statements were not presented prior to their interviews, they may ask the investigator to provide the information/material for review before continuing with the interview. If the investigator does not provide the information, the employee may ask that the Chief of Police, or his designee, be notified in an effort to remedy the dispute. The decision of the Chief, or his designee, is final. In addition, this policy and practice shall not be construed to create or expand legal rights under the Law Enforcement Officers' Bill of Rights. For example, this does not afford non-sworn personnel, a cause of action under the Law Enforcement Officers' Bill of Rights or the ability to allege a violation in order to request a Compliance Review Hearing as outlined in FS 112.534.

**202.07 Requirements for Investigations:** All investigations shall be conducted in compliance with Florida Statutes 112.531, et. seq.

The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required; The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, or police unit in which the incident allegedly occurred, as designated by the investigating officer or agency. The law enforcement 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.



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The law enforcement officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she shall 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 subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review all witness statements, may voluntarily waive their right to review any or all of those witness statements and voluntarily provide a statement at any time during the investigation. If an officer chooses to waive their right to review witness statements and desires to provide a voluntary statement prior to all identifiable witnesses being interviewed, the accused officer shall sign an Administrative Investigative Interview Waiver form prior to such statement. In the absence of a waiver, the investigation shall proceed according to Florida Statute and this policy.

**202.08 Compliance Review Process:** The compliance review process shall be in accordance with Florida Statute 112.534.

If any law enforcement agency, including investigators in internal affairs, 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” includes the officer’s representative or legal counsel, except in application of S. 112.534(1)(d).

The accused officer shall advise the Internal Affairs Investigator or Supervisory Investigator of the intentional violation. If notification is made during an interview of the accused officer, the investigator shall attempt to cure the violation. When an investigator who is not assigned to the Internal Affairs Unit is notified of a possible intentional violation by an accused officer, that investigator must notify the Internal Affairs Manager or the Deputy Chief of the Administrative Bureau before continuing the interview, including after business hours. If the Internal Affairs Manager or Deputy Chief cannot be reached, the interview must stop and be rescheduled until notification to the Internal Affairs Manager or the Deputy Chief has been completed.

If the issue relating to the alleged intentional violation is cured, the investigative interview with the accused officer shall continue. If it cannot be cured, the accused officer may request that the Chief of Police or their designee be notified of the alleged violation. Once this request is made, the interview of the officer shall cease and the Notice of Alleged Intentional Officer Rights Violation form shall be completed by the accused officer and the Notice of Alleged Intentional Officer Rights Violation shall be completed by the investigator.



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A refusal by the accused officer to respond to additional questions after making such a request shall not be considered insubordination.

An accused officer who alleges a continuing intentional violation must provide written notice of that violation and request a Compliance Review Hearing (CRH) with the Chief of Police or designee within three (3) working days. The Request for Compliance Review Hearing shall be completed by the accused officer or their representative. The notice must contain sufficient information to identify the requirements of FS 112.532 and or 112.533 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 during the compliance hearing. For the purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

Unless otherwise remedied by the Department before the hearing, a Compliance Review Hearing must be conducted within ten (10) working days after the request is filed, unless, by mutual agreement of the officer and the Department or for an extraordinary reason, 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 (3) employees: one (1) employee selected by the Department head, one (1) employee selected by the officer filing the request, and a third employee to be selected by the other two (2) employees. 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.

It is the responsibility of the compliance review panel to determine whether the investigator or the Department intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents and hear arguments 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 the purposes of the Compliance Review Hearing and determination.

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 Department head and the officer.

If the alleged violation is sustained as intentional by the compliance review panel, then the Department head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the Chief of Police shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for the purposes of the Department disciplinary action.



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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 a position.

The running of the 180-day 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.

**202.09 Short Form Discipline:** An internal investigation and disciplinary appeal can consume considerable time and resources. In some situations, the employee may wish to acknowledge having violated agency policy and then accept discipline, rather than proceeding with a formal investigation and disciplinary appeal. These situations may be appropriate for Short Form Discipline. Short Form Discipline affords the employee and agency an opportunity to negotiate a mutually acceptable resolution to policy violations.

Anytime prior to receiving a City of Kissimmee Notice of Disciplinary Action Form applicable to the case, an employee may request to participate in the Short Form Discipline process by submitting a memorandum with their request directly to the Chief of Police, who will decide if the case is suitable to be handled via the Short Form Discipline process.

The memorandum must be delivered directly to the Chief of Police, with a copy delivered to the investigating authority. An investigation will continue and no meeting will be scheduled unless the investigating authority and Chief of Police have received the employee's request to initiate the Short Form Discipline process.

When an employee initiates the Short Form Discipline process by submitting their memorandum, the employee agrees to toll the limitations period specified in the Law Enforcement Officers Bill of Rights for the applicable case during negotiations. If no agreement is reached between the parties, the limitations period specified in the Law Enforcement Officers Bill of Rights will resume.

The Chief of Police or designee shall review the case to determine if it is appropriate for the Short Form Discipline process and reserves the right to deny an employee's request to meet and resolve the allegations pursuant to this process. If the Chief of Police decides the case is not suitable, the employee and investigative authority shall be notified of the decision and the investigation will continue.

In the event of an investigation involving more than one employee, the investigation and interviews will continue unless all accused employees sign a waiver tolling the limitations period referenced above.



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If the Chief of Police decides the case is appropriate for the Short Form Discipline process, they shall contact the employee in writing to set up a meeting no later than five (5) business days (Monday through Friday) following receipt of the employee's request to initiate the Short Form Discipline process.

The purpose of the meeting is to discuss potential discipline and administrative charges and to determine if a proposed consensus can be reached on the appropriate charge and discipline, if any.

The Chief of Police or designee shall consult with the investigating authority and review past violations and discipline awarded for similar facts and circumstances prior to the meeting with the employee. The employee's performance history and previous discipline with the agency will be considered.

The employee must attend the meeting with the Chief of Police or designee. The employee's representative and counsel may also attend at the employee's request. If the parties reach a proposed agreement, it will be reduced to writing by the Chief of Police or designee. The employee and the Chief of Police or designee shall sign the agreement. Once signed, the agreement will be considered final and implemented.

Alleged violations concerning Standards of Police Department Conduct General Order sections 201.03(d) Punctuality and Absences, 201.03(g) Reporting, 201.05(a) Department Property and Equipment, 201.05(f) Safe Driving of Police Vehicles, or 201.10(a) Court Appearances may be initiated and resolved using the Short Form Discipline process without approval from the Chief of Police.

By signing an agreement reached pursuant to this policy, the employee waives all further appeals pursuant to policy or law, including contractual grievances concerning the investigation and discipline. Nothing in this policy precludes the agency from pursuing additional violations gleaned from a Short Form Discipline meeting, whether an agreement is reached or not.

If an agreement is reached, the investigating authority shall complete the Short Form INOI and forward it and all original documents related to the case to Internal Affairs for retention.

Nothing discussed at any meeting held pursuant to this policy will be binding upon any party until a final agreement is approved by the Chief of Police or designee.

An agreement reached between the employee and the agency will not establish binding precedent on the Kissimmee Police Department in other cases. Discipline imposed as a result of any agreement between parties pursuant to this policy may be used for purposes of progressive and cumulative discipline for future disciplinary action against the accused employee.



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Upon agreement with the intended discipline, the discipline shall be imposed utilizing the Kissimmee Police Department Notice of Disciplinary Action Form. The form and supporting documents will be forwarded through the chain of command to the Internal Affairs Unit for retention.

**202.10 Supervisory Investigations:** The Chief of Police or designee may assign allegations of a less serious nature to the affected employee's supervisor. Examples of less serious violations could include, but are not limited to:

- a. Punctuality and absences;
- b. Reporting;
- c. Department Property (damage to assigned equipment and required use);
- d. Court appearances; and,
- e. Safe Driving of a Police Vehicle.
- f. Evidence Handling (excluding money, firearms, drugs, and/or evidence of a crime)

A Supervisory Investigation will follow the same procedural guidelines as an Internal Affairs Investigation. Upon completion of the supervisory investigation, the investigating supervisor shall forward the investigative report including all attachments and evidence to the Internal Affairs Unit for retention. Supervisory Investigations where the employee is cleared of any misconduct shall be closed and retained in the Internal Affairs Section with a closure memorandum sent to the accused advising of the disposition of the case.

Sustained Supervisory Investigations, shall be forwarded to the Deputy Chief of the accused employee for review by the chain of command and service to the affected employee, including intended discipline. Upon completion, all documentation associated with the completed Supervisory Investigation shall be forwarded to Internal Affairs for retention.

**202.11 Internal Affairs Investigations:** All complaints against the Department or its' employees shall be documented into the Internal Affairs data management system (BlueTeam). The Chief of Police may direct Internal Affairs to investigate any complaint regardless of origin or type. Each assigned investigation will have an assigned, unique Internal Affairs case number.

The original alleged violation may be modified as a result of the facts revealed by the investigation. The Internal Affairs investigator shall confirm that written notification of the nature of the complaint, name of complainant if known, and a copy of rights and responsibilities relative to the investigation are provided to the affected employee before an administrative interview is conducted concerning the allegation.

**202.12 Statements and Evidence:** All complaints shall commence with the taking of preliminary statements from the complainant and all identifiable witnesses, as well as the gathering and preservation of physical evidence and other information pertaining to the case.



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**202.13 Investigative Tools:** All employees shall fully cooperate with all investigations related to their employment. No employee is required to submit to a polygraph or voice stress analysis test. The employee's submission or failure to submit to such testing shall not be submitted or considered as part of any investigation.

All testing methods for the detection of illegal controlled substances shall be conducted in conformance with Florida State Statutes and agency directives.

An employee may be required to be photographed or participate in a line-up for identification purposes or for preservation of evidence if it is material to an administrative investigation.

If a financial disclosure statement is required to verify or discredit statements made in an investigation it shall be obtained under the appropriate court order. Voluntary disclosure is permitted.

Offices, desks, file cabinets, planners, computers, vehicles, pagers, cell phones and all other facilities and equipment issued or assigned by the agency may be searched consistent with applicable law to collect and preserve evidence related to an investigation or for supervisory oversight. Employees are hereby specifically informed that they have no expectation of privacy in regard to offices, desks, file cabinets, planners, computers, vehicles, pagers, cell phones and all other facilities and equipment issued or assigned by the agency.

Employees may be required to submit to other types of medical or laboratory procedures for the purpose of collecting and preserving evidence, or for comparative analysis related to a particular administrative investigation.

### **202.14 Drug/Substance Abuse Testing:**

Employees may be subject to reasonable suspicion drug testing. Reasonable suspicion drug testing is based on a belief that an employee is using or has used drugs in violation of the employer's policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing shall not be required except upon the recommendation of two supervisors, one being at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

- a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.



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- d. Information that an employee has caused, or contributed to, an accident at work.
- e. Evidence that the employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

When reasonable suspicion exists that an employee has violated Department General Orders, City Rules and Regulations, or applicable Florida Statutes relating to the use of drugs, the individual who articulates the suspicion shall notify the affected employee's Division Commander, the Deputy Chief of the affected employee, or Internal Affairs. This also includes the misuse of prescription or non-prescribed medications.

Prior to an employee being required to submit to a reasonable suspicion test to determine the illicit use of drugs, the employee's Division Commander, their Deputy Chief, or the Internal Affairs Manager must document the grounds for the reasonable suspicion in a memorandum.

The employee shall be informed of the allegations and provided a copy of the memorandum. All rights that apply shall be afforded to the employee. Employees must be escorted to the testing site, by a supervisor or designee.

When an employee is ordered to submit to reasonable suspicion testing for drug use, the appropriate Commander shall relieve the employee from duty and seize the employee's badge, identification card, and firearm.

Employees who refuse to submit a breath, blood, or urine specimen upon proper order shall be charged with "Insubordination" and subject to discipline.

**202.15 Relief from Duty:** Employees of the Department may be relieved of duty by the Chief of Police or designee, as may be appropriate. Relief of duty is not an indication of guilt or innocence. It is an administrative action to remove an employee from the police environment pending the completion and disposition of the investigation. Based on the nature and seriousness of the allegation(s), relief of duty may involve a reassignment to alternative duty with pay. An employee who is arrested or charged with a felony or designated misdemeanor under 943.13, F.S., may be reassigned to alternative duty or may be relieved of duty without pay.

All commanding officers and properly designated acting commanders shall have the authority to immediately relieve from duty any employee that is alleged to have committed or engaged in a major infraction of the rules of conduct or performance where the employee's continued attendance would be dangerous to the public or to fellow employees.

- a. Such infractions may include criminal behavior, insubordination, fighting, assault, unauthorized possession of firearms, use or sale of alcohol or drugs, or similar activities or conduct;



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- b. In these instances, it is the responsibility of the commander to fully document the reasons for such action and to recommend the appropriate formal action, through the chain of command;
- c. The Deputy Chief of the affected member and Chief of Police shall be notified immediately of such action; and,
- d. The affected employee shall be relieved of duty in a paid status.

**202.16 Timeliness of Investigation:** Unless approved by the Chief of Police or Acting Chief of Police, all investigations shall be completed within 45 days of the date the initial complaint was made. If additional time is needed, a status report shall be documented and communicated to the Deputy Chief of the Administrative Services Bureau prior to the 45<sup>th</sup> day.

Unless permitted by state law, investigations shall be completed within 180 days after the date the Department received notice of the allegation by a person authorized by the Department to initiate an investigation of the misconduct.

**202.17 Report of Findings:** Written investigative summaries for all completed allegation of misconduct investigations shall be submitted to the Chief of Police or designee by the lead investigator. The investigative summary shall include:

- a. A summary of the complaint or alleged act of misconduct;
- b. A description of the incident, physical evidence, and other evidence important to the case;
- c. The statement of all persons involved in the incident;
- d. A conclusion of fact for each allegation; and,
- e. A sworn investigative declaration by the investigator.

**202.18 Adjudication of Complaints:** A conclusion of fact for each allegation shall be determined upon completion of the investigation. Such conclusion of fact shall be defined by one of five categories:

- a. *Unfounded* – The investigation conclusively proved that the action or acts complained of did not occur;
- b. *Exonerated* – The investigation indicated the action or acts occurred, but they were justified, lawful, and within agency policy;
- c. *Not Sustained* – The investigation disclosed insufficient evidence to clearly prove or disprove the allegations;
- d. *Sustained* – The investigation disclosed sufficient evidence to prove the accused employee has committed all or a substantial part of the alleged acts;
- e. *Policy Failure* – The action of the Department or the employee was consistent with Department policy, however the policy requires amending or revision.

The Chief of Police or designee shall notify the affected employee in writing of the conclusion of fact and final disposition concerning the allegations of misconduct.



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Internal Affairs shall ensure the complainant in any allegation is advised in writing of the conclusion of fact and final disposition concerning the allegation of misconduct.

Any completed Internal Affairs investigation that meets the criteria shall be submitted to the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission for review, and/or to the State Attorney's Office for proper Brady notification.

When an employee resigns, is terminated, or retires from employment with the City while under investigation, any incomplete disciplinary investigation against the employee shall be completed with or without the employee's testimony, with the findings forwarded, if appropriate, to the State Attorney's Office or the Criminal Justice Standards and Training Commission.

**202.19 Confidentiality and Conclusion of Internal Investigation:** All information concerning an active internal investigation shall remain confidential pursuant to applicable Florida Statutes. All employees shall protect the integrity of active internal investigations and any conduct that interferes with or compromises any active internal investigation shall result in a violation of this policy and may lead to formal discipline.

For the purpose of this directive, an investigation shall be considered active as long as it is continuing with a reasonable, good-faith anticipation that an administrative finding shall be made in the foreseeable future.

Internal investigations are not considered "concluded" and shall not become public record until the findings are reviewed by the chain of command and the accused officer is notified they are subject to disciplinary action, or a final determination is made not to proceed with disciplinary action. The authority to denote an internal investigation as public record is the responsibility of an Internal Affairs Supervisor.

Upon completion of an internal investigation, an Internal Affairs Supervisor shall confirm the accused in the investigation, if sustained, has been notified by the employee's chain of command, and that all appeals or grievances have been satisfied. All other internal investigations with a disposition other than "sustained" are considered closed once the accused is notified of the disposition. After ensuring all conditions have been met to finalize the internal investigation, the Internal Affairs Supervisor shall change the investigation's status to that of "public record."

No employee is to discuss the contents of any internal investigation until it has become public record. If an employee is unsure of the status of a particular case, they shall contact an Internal Affairs Supervisor.

The confidentiality of Internal Affairs investigations shall be maintained in accordance with Florida Statutes. All current Internal Affairs investigations shall be maintained in secure storage in the Internal Affairs Office.



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**202.20 The Post Investigative Process:** For “sustained” investigations, a complete copy of the Internal Investigative Report (IIR) with the recommended finding shall be forwarded to the Deputy Chief of the affected employee who shall review and forward to the Chief of Police. The Chief of Police or Deputy Chief of the affected employee may order additional investigation or proceed with discipline recommendations.

The chain of command shall consider disciplinary actions that have been taken for similar violations in the past, and the employee’s disciplinary history, when recommending discipline.

A complete copy of the IIR and a City of Kissimmee Notice of Disciplinary Action Form with the intended discipline shall then be provided to the employee by a member of their chain of command authorized to serve the intended discipline.

Once the affected employee is presented with the City of Kissimmee Notice of Disciplinary Action Form, they shall have twenty-four (24) hours (excluding any contractual holidays) to:

- a. Sign the appropriate space on the City of Kissimmee Notice of Disciplinary Action Form indicating agreement with the disposition and acceptance of the discipline; or
- b. Sign the appropriate space indicating disagreement with, and intent to appeal either:
  1. The disposition, or
  2. The disciplinary action, or
  3. Both the disposition and disciplinary action.

If the employee chooses to appeal, they shall be given five (5) working days (excluding contractual holidays) to provide a written response outlining their appeal of the disposition, disciplinary action, or both. The purpose of this written response is to provide the employee due process and shall serve as the employee’s predetermination hearing. The Deputy Chief of the affected employee may grant additional time for the response. If the employee chooses to submit a written response, they shall comment only upon the facts or lack of facts contained in the investigation. The written response shall become part of the IIR.

Once the disciplining authority has served the City of Kissimmee Notice of Disciplinary Action form, and the discipline has been accepted or the grievance process completed, the Kissimmee Police Department Notice of Disciplinary Action form shall be completed and the discipline imposed. Once the discipline is imposed all disciplinary and/or grievance documents shall be forwarded to the Internal Affairs Unit for retention with the original case packet. When more than one (1) employee is the subject of a single investigation, the case is considered open and active until all of the accused members have either accepted discipline or the grievance process for each of them is complete.

Charges and/or discipline can only be amended if the sustained conduct of the employee(s) is overturned upon appeal during the grievance process.



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For completed investigations with a disposition other than “Sustained,” written notice to the accused officer advising of the findings shall be sent from the investigating authority via the officer’s chain of command.

At the conclusion of all investigations, the complainant shall be notified via letter, if external, or memorandum, if internal, of the final disposition.

**202.21 Discipline Procedures:** The discipline-administering authority and the types of discipline that may be administered are as follows:

- a. Category I - Division Captains may administer discipline from oral reprimand up to, and including, 24-hour suspension without pay.
- b. Category II - Deputy Chief of Police may administer discipline from oral reprimand up to, and including, demotion.
- c. Category III – Assistant Chief of Police may administer discipline from oral reprimand up to, and including termination, however, only the Chief of Police or City Manager may authorize discipline in the form of termination.

**202.22 Discipline Recommendations:** In making the recommendations for discipline, the administering authority shall consider the following:

- a. Severity of the violation;
- b. Employees’ past “sustained” violations.
- c. Disciplinary actions that have been taken for similar violations in the past.
- d. Progressive discipline shall be considered and awarded for similar repeated violations and/or where there is a history of previous sustained violations.

The administering authority shall recommend just one type of discipline for each violation. The types of discipline are:

- a. Oral Reprimand
- b. Written Censure
- c. Suspension without pay
- d. Demotion
- e. Termination

For any recommended discipline, a City of Kissimmee Notice of Disciplinary Action Form shall be completed, signed by the administering authority, and attached to the case file. The disciplinary records shall be stored in a secured location and maintained in accordance with provision of the records retention schedule at the Internal Affairs Unit and/or Personnel Records.

The employee will be served the final discipline utilizing a Kissimmee Police Department Notice of Disciplinary Action Form by the appropriate commander/manager when either:



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- a. The employee accepts the discipline recommended; or
- b. The time limit for appealing has expired; or
- c. At the conclusion of the Step IV grievance process; or
- d. Pursuant to current labor agreements, if applicable.

**202.23 Appeals:** The grievance process affords an employee the opportunity to contest the directive or action of the organization in a formal manner. It also provides the employer an opportunity to clarify the directive or action, if necessary.

The purpose of this section is to identify the mechanism for filing and appealing grievances, the Department position responsible for coordination of grievance processes, and the appropriate storage location for grievance files and labor-related paperwork.

The manager receiving the appeal, shall sign the grievance form noting the date and time of receipt.

Any sworn or non-sworn employee requesting an appeal has five (5) working days from the receipt of the recommended disposition/discipline to submit their appeal in writing to the appropriate manager. This written appeal will serve as their request to meet. Failure to request the appeal within the five (5) working days voids the employee's right to appeal. If the time limit has expired, the manager shall impose discipline and forward all documents to Internal Affairs via the chain of command.

The appeal process is as follows:

- a. Step I – For Category I violations, the employee may appeal to their Division Captain within five (5) working days from the employee's receipt of the recommended disposition/discipline.
- b. Step II – If the employee is not satisfied with the finding(s) at Step I, the employee may appeal to the Deputy Chief of the affected employee within five (5) working days from the receipt of the decision at Step I. If the violation is a Category II or Category III, the employee shall begin the appeal process at Step II.
- c. Step III – If the employee is not satisfied with the finding(s) at Step II, the employee may appeal to the Assistant Chief of Police within five (5) working days from the receipt of the decision at Step II.
- d. Step IV – If the employee is not satisfied with the finding(s) at Step III, the employee may appeal to the Chief of Police within five (5) working days from the receipt of the decision at Step III.
- e. Step V – If the employee is not satisfied with the finding(s) at Step IV, the employee may appeal to the City Manager within five (5) working days from the receipt of the decision at Step IV.



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Within five (5) working days following the date a written notice of appeal is received, the reviewing manager, acting as the hearing officer, shall conduct a meeting with the aggrieved employee. Police Department Managers shall notify the aggrieved employee in writing concerning their decisions within five (5) working days following the date of the grievance meeting.

Upon resolution of any grievance by a sworn employee, the file containing all documents and audio recordings affiliated with the grievance shall be forwarded to the Internal Affairs Unit for retention. Civilian employee grievance records shall be the responsibility of the City of Kissimmee Human Resource Director for retention.

All grievance records as well as police-related labor issues and correspondence shall be stored in a locked labor file cabinet within the Internal Affairs Office. Civilian employee grievance records shall be stored in the Office of Human Resources in Kissimmee City Hall.

**202.24 Suspensions:** A suspension is the relief of duty without pay for disciplinary purposes.

Any manager has the authority to serve a suspension resulting from an internal investigation; however, only sworn managers, or the City Manager shall serve suspension of sworn employees. When a manager suspends an employee, the manager shall give the employee a Kissimmee Police Department Notice of Disciplinary Action form.

Employees receiving discipline in the form of a suspension without pay may be authorized to forfeit accrued vacation hours or accrued compensatory hours in lieu of serving the suspension in a no pay status. Authorization for the option shall be indicated on the Kissimmee Police Department Notice of Disciplinary Action Form. Employees are only authorized to forfeit accrued time that is available on the date the discipline is served and shall not be authorized to utilize anticipated leave time based on intended accruals. The Chief of Police reserves the right to disapprove the use of forfeited time for all, or a portion of, the suspension.

The manager serving the discipline will note the forfeiture of leave time on the Kissimmee Police Department Notice of Disciplinary Action Form under the suspension dates section and attach a copy of the payroll exemption sheet confirming the payroll action.

For sworn employees suspended without pay and not utilizing vacation or accrued compensatory hours, the manager shall relieve the employee of their police authority during the suspension. The manager shall complete the following:



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- a. Through written notice, formally notify the affected employee of their suspension, and verbally inform the employee of their loss of authority, power, privileges, and access to all KPD computers.
- b. Take custody of the employee's badge, Department-issued firearm(s), police identification, police radio, gun belt (with accessories), and all KPD-issued keys/electronic cards, and other issued equipment as deemed necessary by the manager. The manager shall turn the equipment into the Quartermaster for secure keeping.
- c. Order the suspended employee, if in uniform, to change into plain clothes as soon as possible.
- d. Contact Information Technology to have the employee's computer password disabled for suspensions more than 40 hours.

**202.25 Service of Termination Notice:** The following delineates the procedures for service of termination notice:

Only the Chief of Police or City Manager can authorize termination of an employee.

The Human Resource and Risk Management Director must be notified at the commencement of the process of any intent to terminate.

The City's Labor Attorney, the City Attorney, or the City Attorney's designee shall review termination processes in all cases that may lead to termination prior to any action.

The Chief of Police or their designee shall provide the employee with a City of Kissimmee Disciplinary Action Form with the intent to terminate. The employee may accept the imposed discipline or utilize the grievance process to dispute. The City of Kissimmee Disciplinary Action Form shall include the reason for the dismissal and the effective date. Should the employee choose to grieve, a hearing shall be afforded to the employee with the opportunity to present their side of the matter, including the presentation of witnesses. The employee shall also be advised of their right to representation at this hearing.

Employees who have been issued discipline resulting in termination by the Chief of Police, may grieve the decision to the City Manager whose decision is final.

Employees who are still in a probationary period status and are terminated, are not entitled to the grievance process.

The Human Resource and Risk Management Director or designee shall provide the clearance sheet to terminated employees. The clearance sheet provides information on applicable fringe and retirement benefits.



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**202.26 Responsibilities and Authority:** Internal Affairs employees shall operate under the direct authority of the Chief of Police while conducting an official investigation. Internal Affairs employees, regardless of rank, shall be subordinate only to the Chief of Police or their designee. This would include any employee assigned to complete an Internal Affairs investigation.

All employees shall cooperate with and assist the Internal Affairs investigators, recognizing that investigations are conducted under the immediate authority of the Chief of Police.

A handwritten signature in black ink that reads "Charles Broadway". The signature is written in a cursive style and is positioned above a horizontal line.

**Charles Broadway**  
**Chief of Police**