


MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

VOLUME: 4	DSOP: 4-015	YEAR: 2022	VERSION: 1
SUBJECT:	COMPLAINTS, INVESTIGATIONS AND DISPOSITIONS		

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I. POLICY

It is the policy of the Miami-Dade Corrections and Rehabilitation Department (MDCR) to investigate allegations of staff misconduct, violations of MDCR or Miami-Dade County (MDC) rules and regulations, and citizens' complaints. MDCR shall conduct administrative investigations and ensure allegations are referred to Miami-Dade Police Department (MDPD) to conduct criminal investigations (where appropriate). Complaints shall be thoroughly investigated until a final disposition is attained. MDCR may initiate administrative actions against staff during investigations, and based on the outcome of an investigation, may implement disciplinary actions, up to and including termination.

II. DEFINITIONS

[Ad-Hoc Disposition Panel](#), [Administrative Investigation](#), [Administrative Investigation Management](#), [Calendar Days](#), [Chain of Command](#), [Corrective Consultation](#), [Disciplinary Action \(Employee\)](#), [Disposition Panel](#), [Domestic Violence](#), [Injunction \(Restraining Order\)](#), [Major Incident](#), [Official Personnel Records](#), [Personnel File](#), [Public Records Request](#), [Record of Counseling](#), [Sexual Abuse](#), [Sexual Harassment](#), [Staff Misconduct](#), [Staff Sexual Misconduct](#)

III. COMPLAINTS

Complaints may be received via telephone, in person, or in writing. Complaints shall be immediately forwarded to the Shift Supervisor/Commander. The Shift Supervisor/Commander shall document complaint information on the [Facility/Bureau Complaint Tracking](#) form. Complaints filed or reported against staff shall be processed in accordance with the applicable flowcharts:

A. **EMPLOYEE-ON-EMPLOYEE COMPLAINTS**

An employee may file a complaint against another employee by advising his/her immediate supervisor in writing. The Employee-on-Employee Complaint's flowchart illustrates the investigative process.

B. **NON-MDCR EMPLOYEE COMPLAINTS AT THE FACILITY LEVEL**

Any person not employed by MDCR may report a complaint against a MDCR employee at any facility/bureau/entity, regardless of the location where the employee worked, or the alleged incident occurred. Complaints filed at a facility/bureau/entity where the employee is not assigned shall be forwarded with a delivery receipt to the employee's Facility/Bureau Supervisor within one business day.

The [Complaint from a Non-MDCR Employee at the Facility/Bureau Level](#) flowchart illustrates the investigative process.

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C. COMPLAINTS AT THE SECURITY AND INTERNAL AFFAIRS BUREAU LEVEL

Complaints may be filed by a known or unknown complainant directly to the Security and Internal Affairs Bureau (SIAB). All complaints received directly by SIAB shall be documented and processed.

The [Complaint Processed at Security and Internal Affairs Bureau \(SIAB\) Flowchart](#) illustrates the investigative process.

Note: If a complaint pertains to supervisory staff, a higher-level supervisor shall ensure that the complaint is processed within the established timeframe and protocol. Complainants may file a complaint against supervisory staff as follows by notifying one of the following:

1. A higher-level supervisor at the same facility/bureau;
2. A higher-level supervisor at a different facility/bureau;
3. The SIAB.

IV. SIAB/COMPLAINTS

The SIAB Captain shall classify and assign complaints requiring investigations by SIAB. Complaints are classified and shall be investigated as follows:

A. CONTACT REPORT (CR)

Information or allegations regarding staff that violates MDCR policy and procedures or Miami-Dade County (MDC) rules:

1. Expired driver's license;
2. Lost or stolen county property;
3. Minor civil or probate related issues, e.g., child support, child custody/visitation rights, trustee/beneficiary assignment;
4. Other related information or allegations.

B. GENERAL INVESTIGATIONS (GI)

Allegation of an act that may constitute a crime or violation of MDC or MDCR directive, policy or procedure in which the subject employee was not initially identified, or no subject employee has been identified.

C. INJUNCTION INVESTIGATIONS (IJ)

An instance when an injunction, violation, or court order is filed against an employee.

D. INTERNAL AFFAIRS INVESTIGATION (IA)

Allegation of an act that may constitute a crime or violation of MDC or MDCR directive, policy or procedure. Refer to [Allegations/Criteria for Referral to Internal Affairs](#).

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E. PERSONNEL COMPLAINT (PC)

An allegation where staff is identified (by name) of misconduct involving a violation of a MDC or MDCR directive, policy or procedure that includes but is not limited to:

1. Rude or offensive language towards staff, inmates, or citizens;
2. Slurs made related to race, gender, color, age, religion, national origin, disability, sexual orientation, etc.

The [Personnel Complaint Case - Disposition of Allegations/Closure Memorandum](#) shall be assigned to and completed by a Facility/Bureau Supervisor. The Memorandum shall be forwarded to the Labor Management Unit (LMU) when allegations are sustained.

F. SHOOTING INVESTIGATIONS (SI)

An allegation or incident where an employee has discharged a firearm, whether on-duty or off-duty.

G. INFORMATION ONLY (IO)

SIAB Captain shall also receive statements classified as IO notifications. An IO notification is information received by SIAB that does not require an investigation, e.g., family member incarceration, request to visit an incarcerated family member, etc. The IO shall be issued a preliminary complaint report number by SIAB and returned to the Facility/Bureau Supervisor for information purposes only.

V. SIAB FUNCTIONS AND RESPONSIBILITIES

The SIAB is responsible for receiving, processing, and investigating allegations of misconduct made against employees that fall within the legal jurisdiction of MDCR. SIAB shall represent the Director's Office in all matters directly related to investigations of alleged staff misconduct. SIAB investigative tasks shall include the following:

A. RESPONSE

Responding to incidents as determined by the Director when:

1. A firearm is discharged by an employee other than for training purposes (on-duty or off-duty);
2. A person dies while in MDCR custody;
3. A response to resistance incident resulting in severe injury or death. Refer to Departmental Standard Operating Procedure (DSOP) 11-041 "Response to Resistance" for specific information regarding use of physical force reporting and investigations;
4. An employee has been arrested;
5. An employee is involved in a domestic violence related incident;
6. A major incident occurred, e.g., sexual assault/battery/harassment, escape, riot, within a MDCR facility or involving an inmate under the care, custody, and control of MDCR (regardless of where the inmate is housed).

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B. RESPONSIBILITIES

Responsibilities of SIAB investigators include, but are not limited to:

1. Conducting subject/witness investigations of alleged misconduct of staff;
2. Remaining fair and neutral during investigations;
3. Utilizing only facts during investigations;
4. Ensuring documents are completed in a timely manner;
5. Refraining from making recommendations regarding the disposition of allegations;
6. Completing the [Complainant or Civilian Witness Statement](#) form during interviews.

The SIAB Captain shall ensure allegations of employee misconduct are investigated within the 180-day statutory limitation. If MDCR determines that discipline is appropriate, LMU shall ensure the subject employee is notified in writing of intent to proceed with disciplinary action. The notice shall include a specific recommended action being sought, to include length of suspension, if applicable.

VI. NOTIFICATIONS

A. EMPLOYEE NOTIFICATION OF CRIMINAL CHARGES/ARREST

1. Employees who have been arrested or had criminal charges filed against them, including felony traffic offenses and sexual battery/abuse/harassment shall notify their Facility/Bureau Supervisor verbally and in writing:
 - a. Within 24 hours; or
 - b. Upon reporting to work for their assigned shift, whichever is sooner.
2. The Facility/Bureau Supervisor shall notify SIAB immediately.

Refer to DSOP 18-001 "Arrest of Departmental Staff and Government Employees" for additional information.

B. EMPLOYEE NOTIFICATION OF CIVIL OR CRIMINAL LAWSUITS

Staff served any legal document, notice of claim, summon, or complaint specifying involvement in a civil or criminal lawsuit for allegations to include those involving sexual battery/abuse/harassment as a result of actions performed in the line of duty or while off duty, shall:

1. Notify their facility Shift Supervisor/Commander, and
2. Forward a copy to the Legal Unit within 24 hours of receipt (Response to these legal actions are time sensitive and failure to respond in a timely manner can result in personal liability).

Refer to DSOP 4-007 "Legal Assistance for Staff" and DSOP 18-001 "Arrest of Departmental Staff Other Governmental Employees" for additional information.

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VII. INVESTIGATIONS

MDCR shall ensure an administrative or criminal investigation is conducted to determine whether staff's action was inconsistent with departmental training, standard operating procedures, directives, etc. The following shall occur for administrative or criminal investigations:

A. ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall be documented in written reports. Administrative investigation reports shall include, but not be limited to:

1. Witness and subject statements;
2. Audio/video tape recordings;
3. A description of the physical evidence;
4. Investigation(s) of facts and findings by assigned SIAB staff.

Incident Reports and related documents involving investigations shall be retained in accordance with DSOP 5-007 "Records Retention and Disposition".

B. CRIMINAL INVESTIGATION

Criminal investigations shall be conducted by MDPD for incidents involving staff criminal activity within MDCR facilities involving staff, contractors, or volunteers. SIAB shall cooperate with MDPD investigators and remain informed about the progression of each investigation.

1. When an inmate death occurs at any MDCR facility, MDPD homicide detectives shall respond, coordinate, and conduct the death investigation.
2. Death Investigation Team

MDCR and the Miami-Dade Police Department (MDPD) have an interdepartmental Death Investigation Team (DIT) to coordinate efforts in responding to and initiating investigations of all in-custody inmate deaths and serious incidents of self-harm, including attempts.

a. The DIT is:

- 1) Comprised of specialized and trained group of MDCR SIAB Investigators, MDPD Internal Affairs Investigators, and a MDPD Homicide Detective;
- 2) Located in the MDCR SIAB; and
- 3) Supervised by the MDCR SIAB Executive Lieutenant.

b. The MDPD Homicide Detective shall serve as the Lead Investigator on all inmate death cases within MDCR facilities.

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C. COMPLAINTS DATA AND TRACKING

MDCR uses Early Warning System (EWS) which collects data from the Administrative Investigation Management System (AIMS) and other related information obtained by SIAB investigations to track, analyze, report trends, and implement plans of action to address allegations of staff misconduct.

VIII. INTERVIEWING EMPLOYEE SUBJECT/WITNESS

- A. Subject employees shall provide sworn statements during the course of an investigation. SIAB staff shall obtain complainant statements under oath, except under extenuating circumstances. An interpreter/translator shall be provided to a complainant/witness who has limited ability to read, write, speak, or understand English.
- B. All interviews shall be conducted in a professional manner, SIAB staff interviewing subject/witness employees shall follow the guidelines listed below:
1. Staff shall be informed before the interview if they are the subject or witness to the investigation;
 2. Subject employees shall be:
 - a. Informed about the complaint, the name of all complainants, and the nature of investigation, unless the subject employee is in MDCR custody.
 - b. Given a written notification of the allegation relative to the investigation, and
 - c. Informed before the interview that they have the right to legal counsel or a representative of their choice present;
 3. Subject employees who refuse to answer questions relating to the performance of their official duties or continued fitness for duty shall be subject to administrative and/or disciplinary action, up to and including termination;
 4. Sworn subjects shall be provided a copy of and sign the [Rights During Internal Investigations \(Sworn Staff\)-SIAB](#) form pursuant to Florida Statutes (FS 112.532 and 112.533) Law Enforcement Officers' and Correctional Officers' Rights;
 5. Non-Sworn subjects shall be provided a copy and sign the [Rights During Internal Investigations \(Non-Sworn Staff\)-SIAB](#) form;
 6. SIAB investigators shall inform subject employees and their representatives that the use of personal electronic device, e.g., cellular telephone, audio, video or stenographic recording equipment, etc., is prohibited for their use during the interview.
- C. Employees who are interviewed as witnesses are not entitled to representation during interviews. If at any time a witness becomes a subject of the investigation, the interview shall be terminated, and the witness shall be made aware that he/she may become a subject.

IX. DISPOSITION PANELS

Disposition Panels shall be responsible for reviewing and providing dispositions for assigned Internal Affairs investigative cases. Disposition Panel members shall consist of Lieutenants or higher-level authority appointed by the Director. The Director shall send a memorandum by email informing the panel members which disposition panel they are assigned.

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A. DISPOSITION PANEL CRITERIA

The Disposition Panel shall:

1. Consist of three members from MDCR;
2. Be ethnic and gender balanced;
3. Be of higher rank than the subject employee under investigation.

Disposition Panel members shall be prohibited from serving on a panel for any of the following reason:

1. Affiliated with any person involved in the investigation (e.g., family member, friend);
2. In the subject employee's chain of command where:
 - a. The alleged incident occurred;

The Disposition Panel Chairperson shall be a Division Chief, when possible. The Chairperson shall receive assigned cases and coordinate panel member meetings. The Chairperson shall ensure that each case is processed in accordance with disposition procedures.

The SIAB Captain shall maintain the memorandum listing of selected Disposition Panel members.

B. PANEL INVESTIGATION REVIEW

The review of investigative cases by Disposition Panels shall include, but not be limited to:

1. Examination of reports, documents, photographs, evidence, and other official records;
2. Review of formal written, taped and/or transcribed statements, and other information on record;
3. Review of case history;
4. Review of entire investigation summary and additional information;
5. Request of additional information from the SIAB Captain for clarity of pending concerns or issues;
6. Request that an administrative review is conducted by the Facility/Bureau Supervisor as applicable, e.g., complainant or employee witness statements/actions are contradicting or conflicting.

C. PANEL DISPOSITIONS

Dispositions for cases investigated by SIAB shall be rendered within seven calendar days after initial receipt by the Disposition Panel. The panel shall ensure:

1. Each disposition is based on investigative findings, cited facts, and information that justifies the findings;
2. Each allegation is listed in the same order on the Disposition of Allegations memorandum;
3. A disposition is rendered for each allegation based on the options illustrated on the [Disposition Findings Chart](#).

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X. AD-HOC DISPOSITION PANEL

The MDCR Director may decide to use an Ad-Hoc Disposition Panel in cases involving complex and extenuating circumstances. Ad-Hoc Disposition Panel members shall be appointed by the MDCR Director or designee. Each Ad-Hoc Disposition Panel shall meet the following criteria:

- A. Consist of three members from MDCR and/or MDC external departments;
- B. Be ethnic and gender balanced;
- C. Be of higher rank than the subject employee under investigation;
- D. Be knowledgeable about law enforcement staff or jail related issues.

The Ad-Hoc Disposition Chairperson shall be assigned by the Director. The Ad-Hoc Disposition Panel Chairperson shall ensure each assigned case is processed in accordance with MDCR disposition procedures.

XI. CASE DISPOSITIONS RESULTS

- A. Case dispositions of employee allegations shall be conducted in a transparent, fair, and timely manner. The process and allegation results shall be in accordance with the following:

1. PANEL PROCESSES

The Disposition Panel Chairperson shall ensure that the disposition process is adhered to using the [Disposition Panel Procedures – Panel Processes Flowchart](#).

2. SUSTAINED ALLEGATION

If a Disposition Panel determines that an allegation is sustained, the procedures in the [Disposition Panel Procedures – Sustained Allegations Flowchart](#) shall be followed.

3. NOT SUSTAINED, UNFOUNDED, OR EXONERATED ALLEGATION

If a Disposition Panel determines that an allegation is not sustained, unfounded, or exonerated, the procedures in the [Disposition Panel Procedures – Not Sustained, Unfounded, or Exonerated Allegation\(s\) Flowchart](#) shall be followed.

- B. In accordance with applicable collective bargaining agreements, only “Sustained” findings may be inserted into an employee’s personnel record. Findings of “Not Sustained,” “Unfounded,” or “Exonerated” shall not be inserted in an employee’s official personnel record or referred to in his/her performance evaluation. If a subject employee prevails in the disciplinary appeal process, “Sustained” findings by the panel shall be removed from the employee’s personnel records located in LMU. The relevant file shall be stamped “Closed” and placed in the employee’s electronic personnel file. Refer to DSOP 6-027 “Personnel Records” for additional information

XII. COMMAND STAFF PROCEDURES

When complaints are processed at the command level, the following shall be adhered to:

A. SUSTAINED ALLEGATION

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If the Facility/Bureau Supervisor or Command staff determines that an allegation is sustained, the procedures in the [Command Staff Procedures – Sustained Allegations Flowchart](#) shall be followed.

B. NOT SUSTAINED, UNFOUNDED, OR EXONERATED ALLEGATION

If the Facility/Bureau Supervisor or Command staff determines that an allegation is not sustained, unfounded, or exonerated, the following shall be adhered to:

1. The Internal Affairs Case Closure and Disposition of Allegations memoranda shall be prepared by the;
2. The SIAB investigative file and memoranda shall be forwarded to the Division Chief within one business day of rendering the disposition. Upon the Division Chief's approval/disapproval, the SIAB investigative file and memoranda shall be forwarded via the chain of command to the Director for review and approval. The SIAB file and memoranda shall be returned to the SIAB Captain, and the employee shall be notified of the outcome.

XIII. CONTACT REPORT PROCEDURES

When SIAB receives a complaint classified as a CR, the SIAB Captain shall forward the report to the subject employee's Facility/Bureau Supervisor within 7 calendar days for investigation and disposition. The following protocol shall be adhered to when processing a CR:

- A. The respective Facility/Bureau Supervisor shall ensure the investigation and disposition is conducted within 60 calendar days of receipt date.
- B. The Facility/Bureau Supervisor shall:
 1. Prepare a [Contact Report \(CR\) Case Disposition of Allegations/Closure](#) memorandum for any sustained, not sustained, unfounded, or exonerated allegation;
 2. Forward the memorandum and investigative file for review and approval/disapproval to his/her respective Division Chief.
- C. A memorandum to file may be used to close a case when circumstances dictate that completing a formal investigation is unwarranted. CR cases may only be closed as a memorandum to file by the subject employee's Facility/Bureau Supervisor and Division Chief, when:
 1. The allegation does not include a violation concerning MDCR or MDC rules, policies or procedures;
 2. There is insufficient information to further investigate the allegation; or
 3. The allegation should be addressed in a different forum such as in court, e.g., the complainant was issued a ticket and feels he/she is not guilty.
- D. All sustained CR cases shall include a Contact Report Closure memorandum and the investigative file. The memorandum and file shall be forwarded to the Division Chief for review and approval within 7 calendar days. If the sustained CR is approved by the Division Chief, the original investigative file and Contact Report Closure memorandum shall be forwarded to LMU for processing. LMU shall forward the completed package to SIAB to be properly recorded in AIMS.

If the complaint is against an employee who is a member of the command staff, the complaint shall be documented and forwarded to the Director for review, determination, and appropriate action.

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XIV. FINAL DISPOSITION

The Director retains the authority to approve, disapprove, and/or change recommended findings:

- A. If the Director concurs with the Disposition Panel/Ad-Hoc Disposition Panel, Facility/Bureau Supervisor, or Senior Command staff's recommended findings, his/her signature shall render the decision as final.
- B. If the Director does not concur with the recommended findings, his/her signature shall overturn the findings and render the decision as final. A memorandum shall be generated by the Director stating why the recommended findings were disapproved. The memorandum shall be included in the SIAB investigative file.
- C. If the Director requests additional information pertaining to an investigation, LMU staff shall contact the respective supervisor or staff to obtain the information.
- D. A copy of the final approved/disapproved findings shall be forwarded by the Director's Office to the Disposition Panel/Ad-Hoc Disposition Panel Chairperson. A copy shall be forwarded to the:
 - 1. SIAB Captain, if no administrative or disciplinary action is applicable; or
 - 2. LMU, if administrative or disciplinary action is applicable.
- E. All original SIAB investigative files, [Internal Affairs \(IA\) Case Disposition of Allegations](#), and [Internal Affairs \(IA\) Case Closure](#) memorandum returned by LMU staff, Division Chiefs, Assistant Directors, or the Director shall be forwarded and reviewed by the SIAB Captain. The entire SIAB investigative file shall be recorded, archived, and retained in accordance with DSOP 5-007 "Records Retention and Disposition Procedures".

XV. PUBLIC RECORDS

All active SIAB investigations and official records relevant to active investigations are unavailable for inspection or duplication until the investigation is closed, in accordance with Florida Statute (FS) 119.071. The following SIAB documents are open to the public:

- A. Original MDCR Major Incident Reports, Response to Resistance Reports, and applicable photographs, except those exempted by FS 119.071 and 112.532;
- B. Closed SIAB investigative files, unless restricted by statute.

All exempt information shall be redacted. All duplication of public records and related fees shall be consistent with MDC Administrative Order 4-48 "Fees Charged to the Public for Examining and Duplicating Records," FS 119.07, "Inspection and copying of records; photographing public records; fees; exemptions," and applicable collective bargaining agreements. Original documents of SIAB investigative files, Major Incident Executive Summaries, Response to Resistance Reports, etc., shall not be released to any entity outside of the SIAB.

SIAB shall retain all documentations in accordance with the State of Florida General Records Schedule GS2 for Correctional Facilities.

XVI. REVIEW OF INTERNAL AFFAIRS INVESTIGATION FILES

Persons who wish to review closed internal affairs investigative files shall make a request to MDCR Central Records Unit. The Central Records Unit shall forward the request to SIAB. The requestor shall schedule an appointment with SIAB, Monday through Friday (with exception of holidays) between 8:00 a.m. - 5:00 p.m. The following shall be adhered to once approval is provided by SIAB to review investigative files:

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- A. Outside agencies, e.g., law enforcement, employing agencies, shall provide MDCR with a written waiver from their agency. Requests for copies of documents or tapes shall require no fee;
- B. Pursuant to Chapter 119 persons may be charged a fee when requesting to review redacted files or to receive copies of documents or tapes, depending on the nature of the request.

XVII. CONFIDENTIALITY OF INVESTIGATIONS

Active SIAB investigations, supporting documents, and contents of investigative case files are considered confidential information.

XVIII. PRISON RAPE ELIMINATION ACT (PREA) INVESTIGATIONS

MDPD – Special Victims Bureau (SVB) shall conduct criminal investigations occurring in MDCR facilities, including all allegations of sexual battery/abuse/harassment by an inmate or staff, or sexual misconduct by staff, contractors, or volunteers. The MDPD – SVB:

- A. Will determine if the allegation is a PREA violation that could result in filing of criminal charges, and
- B. May respond to the facility to file charges and initiate an investigation, if applicable.

Upon completion of the criminal investigation SIAB shall conduct administrative investigation for alleged staff sexual misconduct involving an inmate or staff, if warranted. However, SIAB shall not conduct compelled interviews of staff until the criminal investigation has been reviewed by the State Attorney’s Office.

PREA investigations shall be conducted promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports. Refer to IP 001 “Inmate Sexual Battery/Abuse/Harassment Prevention and Response” and PREA Standards 115.71 and 115.72 regarding investigations for additional information.

XIX. REPORTING TO INMATES REGARDING PREA RELATED TO ALLEGATIONS

PREA investigations and allegations require that MDCR ensures the following:

- A. Inform the inmate as to whether the allegation(s) has been substantiated, unsubstantiated, or unfounded.
- B. Request or inform the inmate of relevant information from the MDPD conducting the initial investigation.
- C. Inform the inmate of the following if the allegation was that a staff member committed sexual abuse against him/her (unless the agency has determined that the allegation is unfounded) whenever:
 - 1. The staff member is no longer posted within the inmate’s unit;
 - 2. The staff member is no longer employed at the facility;
 - 3. The agency learns that the staff member has been indicted on a charge related to sexual abuse with the facility; or
 - 4. The agency learns that the staff member has been convicted related to sexual abuse within the facility.
- D. Inform the inmate of the following if the allegation was that he/she has been sexually abused by another inmate whenever:

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1. The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
2. The agency learns that the alleged abuser has been convicted of a charge related to sexual abuse within the facility.

MDCR shall document all notifications made to the inmate and shall no longer be obligated to report further notifications once the inmate is released from MDCR custody.

XX. PROHIBITIONS

An employee who is a complainant, subject, or witness to an active SIAB investigation or has knowledge of a complaint shall not:

- A. Initiate or participate in his/her independent investigation;
- B. Be present with the complainant or complainant's witnesses during the investigation. SIAB shall notify the Facility/Bureau Supervisor to determine reassignment (staff or inmate), if necessary;
- C. Contact the complainant or the complainant's witnesses about the allegation;
- D. Disclose/discuss the existence of a complaint or facts of a complaint with anyone including spouses/family members, except legal counsel/representative and designated departmental authorities conducting the investigation;
- E. Be present as a representative for another employee, if both employees are considered a subject and/or a witness in an investigation;
- F. Review and/or sign-off on a disposition. Be included in the chain of command review and/or approval process.

Nothing in these procedures shall be construed to prohibit an employee from discussing any aspect of a complaint with his/her legal counsel or representative of choice.

XXI. TRAINING

MDCR provides the following specialized training:

A. PRISON RAPE ELIMINATION ACT (PREA)

Investigators who conduct sexual abuse investigations shall receive training on conducting investigations in confinement settings. Refer to IP 001 "Inmate Sexual Battery/Abuse/Harassment Prevention and Response" for specific training topics. The Training Bureau shall maintain a copy of each employee's training documentation for recordkeeping.

B. INVESTIGATIVE

Investigators shall receive specialized investigative training on appropriate investigation policies and procedures, the investigation tracking process, interviewing techniques, and confidentiality requirements.

C. RESPONSE TO RESISTANCE

Investigators assigned to investigate response to resistance incidents shall receive specialized training on investigating response to resistance incidents and allegations, including training on the response to resistance policy.

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XXII. CROSS REFERENCES

- DSOP 5-007 "Records Retention and Disposition Procedures"
- DSOP 6-013 "Employee Counseling and Discipline Procedures"
- DSOP 6-027 "Personnel Records"
- DSOP 6-029 "Discrimination, Harassment, and Retaliation"
- DSOP 6-047 "Domestic Violence Arrests and Complaints"
- DSOP 10-003 "Major Incident Reporting Procedures"
- DSOP 11-015 "Employee Association with Inmates, Ex-Inmates, or Criminal Element"
- DSOP 11-041 "Response to Resistance"
- DSOP 15-001 "Inmate Complaint/Grievance Process"
- DSOP 16-001 "Inmate Disciplinary Procedures"
- DSOP 17-005 "Limited English Proficiency"
- DSOP 18-001 "Arrest of Departmental Staff and Other Governmental Employees"
- IP 001 "Inmate Sexual Battery/Abuse/Harassment Prevention and Response"

XXIII. RELATED REFERENCES

- American Federation of State, County and Municipal Employees, AFL-CIO General Employees, Local 199 Collective Bargaining Agreement
- Code of Miami-Dade County, Article I – In General, Section 2-11.3, Automatic suspension of County official charged with commission of a felony
- Code of Miami-Dade County, Article IV - Personnel, Division 2 – Civil Service for County Employees, Section 2-42(22), 2-47, 2-47.1, and 2-48
- Code of Miami-Dade County, Article IV - Personnel, Division 8 - Payment of Accumulated Sick Leave and Annual Leave, Sections 2-56.30, 2-56.31, 2-56.32, and 2-56.33
- Dade County Police Benevolent Association Rank and File Unit Collective Bargaining Agreement
- Dade County Police Benevolent Association Law Enforcement Supervisory Unit Collective Bargaining Agreement
- Department of Justice (DOJ) PREA Standards
- Florida Statutes 92.525, 112.312, 112.532 (6) a., 112.533, 119.01, 119.011, 119.07, 119.071, 838.014, 838.015, 838.016, 838.021, 838.022, 838.12, 838.15, 838.16, 838.21, 838.22, 838.23, 943.045, and 943.1395

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SUBJECT:	COMPLAINTS, INVESTIGATIONS AND DISPOSITIONS		

Government Supervisors Association of Florida OPEIU, Local 100 – Professional Employees Collective Bargaining Agreement

Government Supervisors Association of Florida OPEIU, Local 100 – Supervisory Employees Collective Bargaining Agreement

Miami-Dade County Administrative Orders 4-48 “Fees Charged to the Public for Examining and Duplicating Records”

Miami-Dade County Administrative Order 7-39 “Employees Arrested On-Duty or Off-Duty”

Miami-Dade County Ordinance 98-34 “County Employees-Accumulated Sick Leave and Annual Leave”

XXIV. STANDARDS

PREA	115.22, 115.34(a-d), 115.61(b), 115.63d, 115.71(a, b, d, f-j, l), 115.72, 115.73, 115.76(a-b)
FMJS	None
ACA	2-CO-1A-26, 2-CO-1A-28, 2-CO-1C-04, 2-CO-1C-23, 4-ALDF-7A-02, 4-ALDF-7C-02, 4-ALDF-7E-01, 4-ALDF-7E-02
FCAC	7.05M, 7.06M, 7.07, 7.08, 7.09M
NCCHC	None

XXV. REVOCATIONS

D17-011 Revisions to DSOP 4-015 “Complaints, Investigations and Dispositions” – Personnel Complaints, dated December 13, 2017

D18-017 Revisions to DSOP 4-015 “Complaints, Investigations and Dispositions” – Contact Reports, dated September 24, 2018

Any language in a DSOP, Procedural Directive, Standard Operating Procedure, Post Order, and/or written correspondence that conflicts with this policy is hereby revoked.

FORMS/SUPPORTING DOCUMENTS

- [Allegations/Criteria for Referral to Internal Affairs](#)
- [Command Staff Procedures – Sustained Allegations Flowchart](#)
- [Complainant or Civilian Witness Statement](#)
- [Complaint from a Non-MDCR Employee at the Facility/Bureau Level Flowchart](#)
- [Complaints Processed at Security and Internal Affairs Bureau \(SIAB\) Flowchart](#)
- [Contact Report \(CR\) Case Disposition of Allegations/Closure](#)
- [Disposition Findings Chart](#)
- [Disposition Panel Procedures – Not Sustained, Unfounded, or Exonerated Allegation\(s\) Flowchart](#)
- [Disposition Panel Procedures – Panel Processes Flowchart](#)
- [Disposition Panel Procedures – Sustained Allegations Flowchart](#)
- [Employee-on-Employee Complaints Flowchart](#)
- [Facility/Bureau Complaint Tracking](#)
- [Internal Affairs \(IA\) Case Closure](#)
- [Internal Affairs \(IA\) Case Disposition of Allegations](#)
- [Personnel Complaint \(PC\) Case Disposition of Allegations/Closure](#)

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[Rights During Internal Investigations \(Non-Sworn Staff\) - SIAB](#)

[Rights During Internal Investigations \(Sworn Staff\) - SIAB](#)

DEFINITIONS

DSOP 4-015 "Complaints, Investigations, and Dispositions"

Ad-Hoc Disposition Panel

A panel consisting of external Miami Dade County (MDC) staff selected by the Director or higher, with the authority to review and provide a disposition based on evidence obtained for specific MDCR internal affairs investigative cases relating to command staff or jail related issues.

Administrative Investigation

Investigation of related incidents, e.g., shooting, employee arrest, etc., conducted to determine and ensure an employee's actions were consistent with departmental policy and procedures

Administrative Investigation Management (AIM)

Database software that collects, manages, tracks, analyzes, and reports a wide range of data to the appropriate chain of command and the SIAB.

Calendar Days

All days in a month, including weekends and holidays.

Chain of Command

An unbroken line of hierarchical authority and responsibility established by the Director that dictates the order and control of departmental activities.

Corrective Consultation

Written, informal counseling used to correct and document minor infractions.

Disciplinary Action (Employee)

An action initiated and administered by supervisors when positive and corrective measures designed to train or effect behavioral changes are unsuccessful.

Disposition Panel

A panel of Miami Dade Corrections and Rehabilitation Department (MDCR) staff consisting of middle managers and command staff appointed by the Director, with the authority to review and provide a disposition based on evidence obtained during internal affairs investigative cases.

Domestic Violence

Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

Injunction (Restraining Order)

A protective order that prohibits a person from committing a criminal offense and/or a judicial process or order requiring the person(s) to whom it is directed to do a particular act or to refrain from doing a particular act.

Major Incident

A major, critical, or serious incident is a situation in which a serious physical injury occurs to staff, an inmate, or a visitor on the grounds of facility MDCR detention facility; a situation creating an imminent threat to the security of the institution

DEFINITIONS

DSOP 4-015 "Complaints, Investigations, and Dispositions"

and/or to the safety of staff, inmates, or visitors on the grounds of the facility; and any event or situation that threatens staff or inmates in their community.

Official Personnel Records

Staff files maintained at the Miami-Dade County Internal Services Department, Human Resources Division.

Personnel File

The main employee file that contains the history and status of a staff member's employment. It contains documents relevant to the staff member such as changes in emergency contacts, historical addresses, performance evaluations, ROC, DAR, recognitions, selection information, work history, compensation rationale, internal promotion applications, Equal Employment Opportunity Commission (EEOC) claims, lawsuit information, etc.

Public Records Request

Requests to examine, inspect and or copy public records as defined by Florida Statute Chapter 119, Public Records, and DSOP 5-007 "Records Retention and Disposition".

Record of Counseling

Written documentation to a staff member cautioning him/her about his/her work performance or misconduct and advising of the consequences if his/her performance does not improve.

Sexual Abuse

Sexual acts with or without consent of an inmate detained within a jail facility not limited to the following:

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- B. Contact between the mouth and the penis, vulva, or anus;
- C. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- D. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- E. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- F. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- G. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- H. Voyeurism by a staff member, contractor, or volunteer.

Sexual Harassment

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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Staff Misconduct

Actions performed by staff that is unethical, against established departmental guidelines, unconstitutional, or criminal in nature.

Staff Sexual Misconduct

Consensual or non-consensual behavior or sexual acts include.

- A. Verbal conduct of a sexual nature including threats for refusing sexual advances;
- B. Intentional touching of genitalia, vagina, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire;
- C. Completed, attempted, threatened, or requested sexual acts;
- D. Occurrences of indecent exposure, invasion of privacy beyond what is reasonably necessary for safety and security, or staff voyeurism for sexual gratification. However, sexual misconduct does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of duty by staff;
- E. Romantic relationships between staff and inmates.