

# ALACHUA COUNTY SHERIFF'S OFFICE



SHERIFF SADIE DARNELL

June 18, 2020

Gainesville City Commission

June 8, 2020 - Request of City Manager Feldman

“To make a presentation on the process and procedures employed at the DOJ used to investigate allegation of excessive use of force and allegations of inmate abuse”

## Recent Article: Lakeland Ledger

June 8, 2020 (Florida based data \*\*\*\*time range)

- ▶ Fewer than a third of excessive force cases...resulted in termination or resignation
- ▶ Most Florida LEO/Corrections officers...kept their jobs
- ▶ About 20% landed another...job in Florida
- ▶ About 59% of excessive force cases...involved corrections officers who work in a prison or county jail...

## Florida State Statute (F.S.S.) 112.533(1)(a) Receipt and processing of complaints

Main points regarding legal requirements in Florida:

- ▶ Every...corrections agency shall establish and put into operation a system for the receipt, investigation and determination of complaints received...from any person..."

## Additional legal requirements - Florida State Statutes

- ▶ Any person who is a participant in an internal investigation, including the complainant, ...who willfully discloses any information...before the complainant ...becomes a public record...commits a misdemeanor of the first degree... 112.533 (1)(a)
- ▶ The person preparing the report must verify that the contents are true and accurate and must include a designated statement swearing under penalty of perjury. Knowing making a false declaration, under this section, commits a felony of the third degree, 92.525

## DOJ Grievance Procedures - Informal and Formal Grievances and Appeal Process

- ▶ As part of the Booking in process each inmate is given a copy of the Inmate Handbook. The Handbook is also posted on our Website for anyone who wants to review it.

### Classification Unit

- ▶ Included as part of their responsibilities, DOJ Classification Unit personnel assist with conflict resolution and track and monitor inmate grievances.



## ACSO Allegations of Criminal Conduct - Process:

Generally, when an allegation of criminal conduct is received, two (2) parallel investigations are initiated:

1. An Administrative Investigation: Administrative Investigations regarding Criminal Conduct are investigated by ACSO's Office of Professional Standards by experienced personnel at the rank of Lieutenant.
2. A Criminal Investigation: adheres to Criminal Code procedures as outlined in Florida State Statutes.

## Administrative Investigation Process: Criminal Conduct

1. Allegation received (from inmate or via supervisor's review of use of force reports/video)
2. Ensure medical evaluation of involved individuals
3. Gather and examine all available evidence
4. Present initial findings to Sheriff to determine work status of employee
5. Ensure the Criminal Investigations Division (CID) - is provided initial information to begin investigating

## Administrative Investigation Process: Criminal Conduct - continued

6. The assigned OPS Lieutenant interviews subject employee:

- ▶ F.S.S. 112(2)(a) gives the subject employee the right to review ALL available evidence immediately prior to questioning
- ▶ “Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview.”

## Administrative Investigation Process: Criminal Conduct - continued

7. The subject employee is also given a Garrity Warning



ALACHUA COUNTY SHERIFF'S OFFICE

GARRITY WARNING

The purpose of this interview is to solicit responses that will assist in determining whether disciplinary action is warranted, and the answers furnished may be used in disciplinary proceedings that could result in administrative action against you, including dismissal.

All questions relating to the performance of official duties must be answered fully and truthfully, and disciplinary action, including dismissal, may be undertaken if you refuse to answer fully and truthfully.

No answer given, nor any information gained by reason of such statements, may, as a matter of constitutional law, be admissible against you in any criminal proceeding filed as a result of the actions we are investigating today. However, should you engage in lying, untruthfulness, misstatement, or should you fail to respond to, or omit responding to, any question asked you, fully and truthfully, you can be prosecuted for perjury, giving false statements, or obstruction of justice.

I have read and understand the above.

SIGNATURE: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

WITNESS: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

WITNESS: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

## Administrative Investigation Process: Criminal Conduct - continued

8. OPS Investigative report is completed and forwarded to **each** commander in the subject employee's chain of command **independently** for their recommendation(s)
9. Final determination is made by the Sheriff after review of commander recommendations
10. Subject employee is notified of determination as to discipline

## Administrative Investigation Process: Criminal Conduct - continued

11. Subject employee under F.S.S. 112 has a right to a Loudermill Hearing and/or an appeals process under F.S.S. 86.342
12. Disciplinary findings are reported to the Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Commission (FDLE/CJSTC)



## Administrative Investigation Cover Sheet



### ALACHUA COUNTY SHERIFF'S OFFICE Administrative Investigation Cover Sheet

TRACKING NUMBER	DATE ASSIGNED	/ /
ASSIGNED SUPERVISOR	DATE OF INCIDENT	/ /

ACCUSED EMPLOYEE(S)	Name	ID #
	Name	ID #
	Name	ID #

#### DOCUMENTATION

	Attached		Attached
Administrative Investigation Report	<input type="checkbox"/>	Increased Patrol Request	<input type="checkbox"/>
Admin. Investigation Witness Statement Form	<input type="checkbox"/>	Inmate Disciplinary Report	<input type="checkbox"/>
Administrative Investigation Response Form	<input type="checkbox"/>	Inmate Correspondence	<input type="checkbox"/>
Authorization for Release of Medical Records	<input type="checkbox"/>	Jail Incident Report	<input type="checkbox"/>
Arbitration Video	<input type="checkbox"/>	Offense Incident Report	<input type="checkbox"/>
BOLOS or e-Agents Reports	<input type="checkbox"/>	Other Agency's Report	<input type="checkbox"/>
CAD Call Printout	<input type="checkbox"/>	Photographic Lineup	<input type="checkbox"/>
CAD History - Address	<input type="checkbox"/>	Photographs - Accident	<input type="checkbox"/>
CAD History - Deputy	<input type="checkbox"/>	Photographs - Crime Scene	<input type="checkbox"/>
CAD History - Person	<input type="checkbox"/>	Photographs - Inmate	<input type="checkbox"/>
CAD History - Unit	<input type="checkbox"/>	Photographs - Other	<input type="checkbox"/>
CAD History - Vehicle	<input type="checkbox"/>	Recording - COB Phone Line	<input type="checkbox"/>
Complaint Intake Form	<input type="checkbox"/>	Recording - Video Traffic	<input type="checkbox"/>
Daily Activity Report	<input type="checkbox"/>	Recording - Jail Phone System	<input type="checkbox"/>
Daily Attendance Roster	<input type="checkbox"/>	Use of Force Report	<input type="checkbox"/>
Duty Post Roster	<input type="checkbox"/>	Traffic Citations	<input type="checkbox"/>
E-mails	<input type="checkbox"/>	Supervisor's Report of Injury/Illness	<input type="checkbox"/>
ExecuTime: Timesheets	<input type="checkbox"/>	Traffic Crash Report	<input type="checkbox"/>
ExecuTime: Time-off Requests	<input type="checkbox"/>	Transcripts	<input type="checkbox"/>
Extra Duty: Employee Schedule	<input type="checkbox"/>		<input type="checkbox"/>
Extra Duty: Work Order	<input type="checkbox"/>		<input type="checkbox"/>
Extra Duty: Invoice	<input type="checkbox"/>		<input type="checkbox"/>
Extra Duty: Payroll	<input type="checkbox"/>		<input type="checkbox"/>
Fresh Training Records	<input type="checkbox"/>		<input type="checkbox"/>
HTE Payroll Module: Check Detail	<input type="checkbox"/>		<input type="checkbox"/>
HTE Payroll Module: Hours Detail	<input type="checkbox"/>		<input type="checkbox"/>

#### CONFIDENTIAL INFORMATION

DRISMV Intranet Records Info. System (IRIS)	<input type="checkbox"/>	Medical Records	<input type="checkbox"/>
Driver & Vehicle Information Database (DAVID)	<input type="checkbox"/>	Inmate Medical Records	<input type="checkbox"/>
FCIC/NCIC	<input type="checkbox"/>		<input type="checkbox"/>
FDLE Transaction Archive Report (TAR)	<input type="checkbox"/>		<input type="checkbox"/>
LEADS	<input type="checkbox"/>		<input type="checkbox"/>

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ACS0 00.02.009.181

## Standards of Conduct and Violation Levels



### ACSO Directive 353.V. - Standards of Conduct and Violation Levels

#### A. Rules/Level Five Violations (50 Points - 2 Years)

1. Criminal Conduct
2. Conduct Unbecoming an Employee
3. Aiding Escape/Suspects
4. Contraband in the Secure Envelope of the Department of the Jail
5. Use of Alcohol/Drugs and Medication
6. Untruthfulness
7. Insubordination
8. Harassment, Sexual and Other
9. Subversive and Terrorist Organizations
10. Strikes and Work Stoppages
11. Unlawful Labor Practices
12. Communicating or Imparting Confidential Information
13. Continued Absence from Work - Employees who absence themselves for three (3) or more consecutive work days without proper authorization are considered to have abandoned their employment and to have resigned from employment with the ACSO.

#### B. Rules/Level Four Violations (30 Points - 2 Years)

1. Performance of Duty
2. Unauthorized Association with Known Offenders
3. Unprofessional Relationships
4. Profiting from Employment
5. Business Transactions
6. Gifts, Gratuities, Privileges
7. Radio Regulations
8. Political Activity
9. Improper Conduct
10. Unauthorized Investigations
11. Failure to Properly Supervise Subordinates
12. Employees assigned a take-home vehicle who reside outside of Alachua County are required, prior to leaving Alachua County while off duty, to park their assigned vehicle at either: (a) The ACSO main building; (b) The ACSO Dept. of Jail; (c) A secure alternate location in Alachua County with documented permission from the Sheriff or Chief Deputy.

#### C. Rules/Level Three Violations (20 Points - 1 Year)

1. Duty to Report Misconduct
2. Sleeping on Duty
3. Absent Without Authorization
4. Conflicting Employment or Contractual Relationship
5. Neglect of Duty
6. Reporting Accidents
7. Use of Force Reporting Procedures
8. Criticism of Order
9. Prompt Response to Calls
10. Off-Duty Enforcement Actions
11. Official Records
12. Reporting Arrests, Etc.
13. Improper Use of Sick Leave
14. Unfavorable Conduct

#### D. Rules/Level Two Violations (10 Points - 1 Year)

1. Attorneys and Bondsman
2. Testimonials
3. Court Related Matters
4. Public Statements
5. Proper Care of Equipment and/or Property
6. Possessing and Maintaining a Current and Valid State Motor Vehicle Operator's License
7. Driving
8. Preventable ACSO Vehicle Crash
9. Wearing of the Uniform
10. Sanitation Standards at the Department of the Jail

#### E. Rules/Level One Violations (0 Points - 1 Year)

1. Knowledge of Ordinances, Statutes and ACSO Directives
2. Relationships - (a) Public; (b) Fellow Employees
3. Unauthorized Release of Personnel Information
4. Conducting of Official Business
5. Courtesy to the United States Flag and National Anthem
6. Personal Business on Duty
7. Use of Tobacco Products
8. Identification of Deputy Sheriff
9. Reporting
10. Attire for Court, In-Chamber, Grand Jury and Deposition Proceedings
11. Address and Telephone Numbers
12. Directive Management System
13. Tardiness
14. Civil Action
15. Grooming

## Discipline Level and Point Scale



ALACHUA COUNTY SHERIFF'S OFFICE  
Discipline Level and Point Scale

		DISCIPLINE LEVEL AND POINT SCALE									
		NUMBER OF CHARGES									
L E V E L S	1	0	10	20	30	40	50	60	70	80	90
	2	10	20	30	40	50	60	70	80	90	100
	3	20	40	60	80	100	120				
	4	30	60	90	120	160					
	5	50	100	150	200						

POINTS	MINIMUM DISCIPLINE	MAXIMUM DISCIPLINE	DISCIPLINARY PROBATION
0-9		Written Reprimand	
10-19	Written Reprimand	One Day Suspension	
20-29	Written Reprimand	Two Day Suspension	
30-39	One Day Suspension	Three Day Suspension	
40-49	Two Day Suspension	Five Day Suspension	
50-59	Two Day Suspension	Termination	
60-69	Three Day Suspension	Termination	Two - Three Months
70-79	Five Day Suspension	Termination	Four - Five Months
80-99	Ten Day Suspension	Termination	Six - Eight Months
100+	Fifteen Day Suspension	Termination	Nine - Twelve Months

\* A level five violation is an automatic 12 months of disciplinary probation.

\*\* If the employee's performance or lack of performance causes harm, the potential for harm, or impedes the good working order of the ACSO, the Sheriff may impose disciplinary probation outside of the matrix.

Points will be retained and count toward future disciplinary action. Level 1, 2, and 3 violations will be retained for one year from the date discipline is rendered. Level 4 and 5 violations will be retained for two years from the date discipline is rendered.

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Originator: Office of Professional Standards  
Directive Linked: ACSO 122, 143, 353 & 808

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ACSO 00-02 (03/18)

## Sustained Allegations of Criminal Conduct

- ▶ During my tenure, since November 2006, there have been approximately 37 Sustained allegations of Criminal Conduct against Department of the Jail sworn employees.
- ▶ The allegations range from theft of biscuits, Driving Under the Influence, worthless check to child pornography.



## Sustained allegations of Criminal Conduct - Inmate Abuse

Tracking #	Rank	Allegation	Findings	Discipline Received
07-FC-154	Detention Officer	Criminal Conduct (Coerced Inmate to Fight Another Inmate)	S	Reassigned as a Criminal Justice Technician in Booking Support Bureau 11/12/2007
14-IA-67	Detention Officer	Criminal Conduct (Agg. Assault w/ a Deadly Weapon)	S	Termination - Emp. Resigned while under investigation 10/14/2014
19-IA-84	Detention Officer	Criminal Conduct (Battery)	S	Termination 01/10/2020
20-IA-19	Detention Officer	Criminal Conduct (Battery)	S	Resigned in lieu of termination 04/15/2020
20-IA-24	Detention Officer	Criminal Conduct (Battery)	S	Termination 06/04/2020

## Incident from 2019-IA-84



## Incident from 2020-IA-19



## Incident from 2020-IA-24



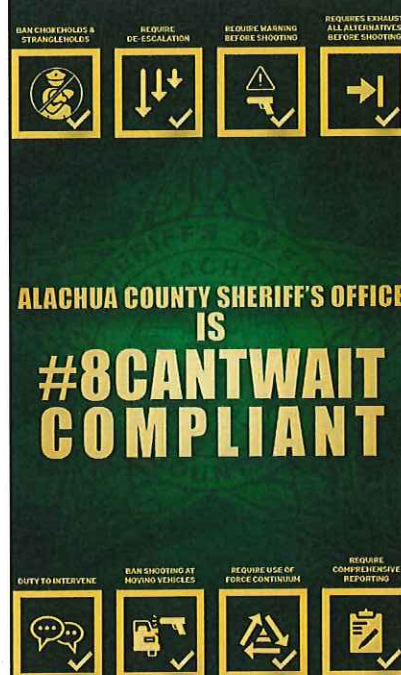
## Early Identification System (EIS) Report

- ▶ OPS will create an EIS report...when an employee meets or exceeds a numerical threshold...
- ▶ An EIS report should be used by supervisors as a tool to assist in determining if job stress or job performance problems exist
- ▶ An EIS must be reviewed in combination with other criteria such as;
  - ▶ Input from previous supervisors
  - ▶ Observations
  - ▶ Work product (quality and quantity)
  - ▶ Commendations

## Alachua County Sheriff's Office is #8CANTWAIT COMPLIANT

The Alachua County Sheriff's Office is proud to be #8cantwait compliant.

All 8 have been part of our policy and procedures during Sheriff Darnell's tenure and have helped shape the culture of our policing methods. On the next slide are the sections of our policies that specifically address each concern. Full copies of our policy and procedures are available and can be provided with a public records request.





## #8CANTWAIT

1. Ban Chokeholds and Strangleholds: DIR 802 - "...Deadly Force Restrictions Lateral Vascular Neck Restraint/Carotid Restraint - The ACSO does not authorize the use of these neck restraints at this time."

2. Require De-escalation: DIR 802 "...When feasible and practical, employees shall attempt to resolve potential use of force situations with non-physical force alternatives, such as the use of advice, persuasion or verbal warning prior to resorting to the use of force."

3. Require Warning Before Shooting: DIR 802 - "...when feasible a verbal warning is given to the fleeing subject prior to the use of deadly force. Unless impractical under the circumstances, employees shall attempt to give a verbal warning prior to the use of deadly force."

4. Exhaust all Alternatives Before Shooting: DIR 802 "...When feasible and practical, employees shall attempt to resolve potential use of force situations with non-physical force alternatives, such as the use of advice, persuasion or verbal warning prior to resorting to the use of force."

5. Duty to Intervene: DIR 353 - "...1. Duty to Report Misconduct - The quickest way for misconduct to continue at the ACSO is for employees to tolerate it among their fellow workers. Misconduct by any employee reflects poorly on all. For this reason, employees will report any violation of directives, policies and procedures to appropriate authority."

Code of Ethics signed by employees states, "I, also ACCEPT responsibility for encouraging others in my profession to abide by this CODE,".

6. Ban Shooting at Moving Vehicles: DIR 802 - "...Moving Vehicles - Shooting at or from a moving vehicle is a dangerous and generally ineffective practice with unpredictable results and is prohibited as a general rule, unless done in self-defense or defense of another person when the suspect represents a clear and present deadly force threat."

7. Establish Use of Force Continuum: DIR 802 - "...The Force Guidelines Model - Similar to the former Response to Resistance Matrix, the new Force Guidelines consist of Subject Resistance Levels and corresponding Officer Response Levels; however, both categories have been streamlined to simplify the process of analyzing potential subject resistance levels and responding with an appropriate and reasonable use of force. "

8. Require All Force Be Reported: ACSO 802 - "...INCIDENT DOCUMENTATION - Each "use of force" incident as defined by ACSO Directive will be documented by involved employees. This includes the pointing of any firearm, Taser, display of K-9 or other weapon directly at another person(s) as a show of force with the express purpose of establishing control and/or detaining or arresting the subject."