

CHAPTER 52
INTERNAL AFFAIRS

DISCUSSION: The purpose of this chapter is to establish guidelines for the administration and operation of the Internal Affairs unit. Hereafter in this chapter the Internal Affairs Unit will be referred to as the (IAU).

52.1.1 Unit Commander

The officer in charge of the IAU will report directly to the Chief of Police and hereafter in this chapter will be referred to as the IAU Commander. The IAU Commander will be responsible for the control and operation of the IAU, records keeping and investigation of complaints. The IAU Commander will periodically analyze complaint statistics to identify training needs, problem employees and policy change needs and convey this information to the Training Division, through the Chief of Police.

52.1.2 Complaints to be Investigated

The department will investigate all complaints of employee misconduct, to include anonymous complaints.

MISCONDUCT: Misconduct is any of the following acts or omissions, when such acts or omissions would normally result in discipline;

- A. The commission of a crime.
- B. Neglect of duty.
- C. Violation of Civil Service or department polices, rules or procedures.
- D. Conduct which may tend to reflect unfavorably upon the employee or the department.

52.1.3 Methods of Receiving Complaints

- A. If a complaint is brought to the attention of an employee who is not a supervisor, that employee shall immediately contact their supervisor, to handle the complaint. If the complaint is against a sworn employee, the complaint must be taken by a sworn supervisor. If the complaint is against a civilian employee, the complaint may be taken by a sworn supervisor or the accused employee's supervisor.
- B. Any supervisor taking a complaint shall record the complaint on the Citizens Complaint form and forward it to IAU after completion of the initial investigation.
- C. INITIAL INVESTIGATION: An initial investigation consist of the steps taken by a supervisor to determine whether or not a complaint alleges misconduct on the part of an

employee, the gathering of pertinent information and the names, addresses ,telephone numbers, etc. of both civilian and employee witnesses.

- D. If an allegation does not amount to misconduct, the supervisor shall explain the related department policy or procedure to the complainant and attempt to resolve the matter to the complainant's satisfaction. If the complainant is satisfied, the supervisor shall have the complainant sign the complaint form in the space indicated, complete the complaint form and forward it to IAU for review. If the complainant is not satisfied, the supervisor shall furnish the complainant a Formal Complaint Affidavit and instruct the complainant to contact IAU or the Office of The Chief of Police.

52.1.4 Complaint Classification and Investigation

Complaints may either be FORMAL (Formal Complaint Affidavit) or INFORMAL (Citizens Complaint Form). Formal complaint affidavits may be obtained from IAU, Chief's secretary, or front desk clerk.

- A. Class I - All Class I complaints shall be investigated by IAU unless otherwise directed by the Chief.
 - 1. Use of Force
 - a. Excessive Force: Deadly force or force that causes serious injury to the complainant or a third party. Force that could cause serious injury.
 - b. Unnecessary Force: Minor force such as shoving, pulling, etc. No impact weapons, or chemical agent used.
 - 2. False Arrest: False imprisonment or malicious prosecution, after complainant's case has been adjudicated by court.
 - 3. Unlawful Misconduct: Violation of any Federal Laws, State Statutes or City Ordinances.
 - 4. Harassment: Repeated unnecessary acts designed to antagonize.
 - 5. Motor Vehicle Accidents: On duty accidents will be investigated to determine if accident is chargeable to employee according to current City Safety Policy.
- B. Class II - All class II complaints will be assigned to the accused employee's immediate supervisor for investigation, unless otherwise directed by the Chief.
 - 1. Discourtesy: Ethnic slurs, profanity, rudeness, sarcasm etc.
 - 2. Official Misconduct: Minor rule violations, unauthorized use of department equipment etc.

- C Other Complaints: Complaints not otherwise classified will be assigned at the discretion of the Chief of Police.

52.1.5 Notification of Proper Authority

Normally, complaints should be taken and sent to IAU as described in section 52.1.3. If the complaint is of a serious nature and after working hours, the IAU commander shall be called. If there is a possibility of felony criminal charges arising from the complaint and there is physical evidence to be preserved, the Detective Division commander shall also be called. It will be the responsibility of the IAU commander to notify the Chief of all complaints filed against members of the department. If the IAU commander is not available, all complaints shall be sent directly to the office of the Chief of Police.

52.1.6 Routing of Complaints and Time Limits

- A. All complaints assigned to a supervisor for investigation shall be completed and returned to the IAU within fifteen (15) working days. If an extension is needed, the IAU commander will be contacted. After completion, the complaint shall be returned to IAU for review and filing.
- B. All complaints investigated by the IAU shall be completed in thirty (30) working days unless an extension is granted from the Chief of Police. After completion, the case will be forwarded to the Chief. If an extension for investigation is granted, the IAU commander will notify the complainant of this, in writing. When the case is completed, the Chief of Police will make the final decision as to the disposition of the case.

52.1.7 Complainant Notification

- A. In most IAU cases the complainant must sign the complaint in person. However, there may be some factors such as the content of the allegation received by mail or the geographical relationship between the complainant and the department that shall cause a letter of receipt to be generated by the IAU commander.
- B. When an extension for a complaint investigation is granted, it shall be the responsibility of the investigator to notify the complainant of the delay and an estimated completion date.
- C. It shall be the responsibility of the supervisor conducting an informal investigation to notify the complainant of the disposition of the case and have the complainant sign the complaint form.
- D. It shall be the responsibility of the IAU commander to notify the complainant in writing, of the disposition of all formal complaint investigations. The notification letter will also instruct the complainant of the procedure for requesting a hearing of their complaint by the Civil Service Commission.

52.1.8 Accused Employee Notification

- A. Accused employees shall be allowed to read the Formal Complaint Affidavit before being interviewed by IAU. Employees will read and sign the proper Admonition relating to their rights in an administrative investigation; prior to an interview. The original copy of the Admonition will be kept with the case file.
- B. When the case is concluded, the accused employee and his supervisor will be furnished a copy of the notification letter which is sent to the complainant, disclosing the final disposition of the case.
- C. All investigative interviews with accused employees will be recorded on audio tape and placed in that investigative file. The employee shall be notified prior to the beginning of the interview of the taping.

52.1.9 IAU Authority

IAU or other members conducting internal investigations directly represent the Chief of Police and shall receive the full cooperation of all employees during the course of any investigation.

All Investigations are confidential and any employee who is involved as an accused, or witness, shall not discuss the case with anyone other than the Chief of Police, The City Attorney, or the Investigating Supervisor, unless otherwise ordered by the Chief of Police.

52.1.10 Polygraphs

See 26.1.1.I (C030508)

52.1.11 Medical Test and Financial Disclosure

The Chief of Police, or his agent, may order an employee to take an intoxilizer test, drug test, or any other test as necessary to determine the physical condition of the employee when there is reasonable suspicion to indicate that an employee is or was impaired or under the influence of alcohol or drugs.

The Chief of Police or his agent may order an employee to submit financial disclosure statements anytime the Chief of Police determines there is reasonable suspicion the employee is or was involved in misconduct and a financial disclosure is vital to determine the employee's innocence or guilt.

The Chief of Police, or his agent, may order an employee to participate in a line-up for identification purpose in any administrative investigation.

52.1.12 Disposition of Complaints

All internal investigations will be given one of the following dispositions:

- A. Unfounded - The allegation is false or the incident as alleged did not occur.
- B. Exonerated - The incident occurred as alleged, but the employee's actions were lawful and proper.
- C. Not Sustained - There is insufficient evidence to prove or disprove the allegation.
- D. Sustained - The preponderance of the evidence shows the incident did occur as alleged.
- E. Other - The alleged act was not misconduct. The accused is no longer employed and is unavailable to interview. Any other statement by the Chief of Police.

52.1.13 Relieving Employees from Duty

- A. An employee may be relieved from duty when that employee's physical or psychological condition renders them unfit for duty. The decision to relieve an employee from duty rests with the employee's immediate supervisor. The decision to relieve an employee from duty pending the disposition of an internal investigation rests with the Chief of Police or his agent.
- B. When an employee is relieved from duty, the supervisor doing so shall obtain that employee's department issued Identification, badge, all department issued firearms and any other department issued equipment deemed necessary by the supervisor.

52.1.14 IAU Records

- A. All IAU records will be the responsibility of the IAU Commander.
- B. IAU case files are confidential and will be stored in a secure, locked area. Case files will only be made available on a need to know basis, to the Office of the Chief, City Attorney or IAU investigator. Other attorneys defending the City or City Employee(s) will be given the same access as the City Attorney. Case Files will be kept on file for a period of five (5) years.
- C. When an employee is disciplined for a sustained complaint, record of the disciplinary action will be placed in that employee's personnel file.

52.1.15 Public Information

Information on the number, types of complaints and dispositions during any given time period is available to the public upon request. This information will not contain any names, addresses, telephone numbers or other confidential information about complainants or officers. Any employee may receive the same information made available to the public by requesting same from the IAU Commander. Any information given to the public will be disclosed by the

department's Public Information Officer, the Chief of Police, or any Other Member when approved by the Chief of Police.

52.1.16 Employee Photograph File

All employees will be required to have an identification picture taken of them at the time of employment. Several pictures will be taken, one of which will be kept on file in the Internal Affairs Office for use as a means for complainants to identify accused employees.