



COLUMBIA POLICE DEPARTMENT

“Policing Excellence through Community Partnerships”

Directive Type: General Order	Effective Date: 07-30-2016	General Order Number: 02.06
Subject: Internal Affairs		
Amends/Supersedes: Section 02, Chapter 06, Internal Affairs, 2008	Chief of Police: <i>W.A. Hinkle</i>	
Distribution: All Personnel	Review Date: July 1	# of Pages: 5

1.0 DIRECTIVE

The Department requires an investigation of all citizen complaints, including anonymous complaints, against the Department or Departmental personnel. It will also address citizen inquiries concerning Departmental regulations, policies and procedures, actions taken by Departmental personnel in the performance of their duties and other issues that involve the Department and its personnel. Adherence to this directive will help ensure the integrity of the Department while protecting the rights and interests of private citizens and Departmental personnel.

2.0 GOALS OF THE INTERNAL AFFAIRS FUNCTION

The Department's Internal Affairs Unit provides an internal investigating system where by objectivity; fairness and justice are guaranteed by an impartial investigation and review.

3.0 OPERATION OF THE INTERNAL AFFAIRS UNIT

The Department shall maintain an Internal Affairs Unit whose supervisor shall answer directly to the Chief of Police. The Unit shall be responsible for conducting complaint investigations in accordance with this directive, as well as conducting any administrative investigations assigned by the Chief of Police. The Internal Affairs Unit shall also be responsible for coordinating, supervising and assisting in complaint investigations conducted by staff personnel. The Internal Affairs Unit will maintain a liaison with the appropriate prosecutor's office concerning internal investigations involving alleged criminal conduct on the part of an employee.

The Internal Affairs Unit will post a brochure in a public location in every Police Station or substation that outlines the procedures the public will follow in lodging a complaint against the Department or its employees. In addition, complaint procedures and forms are available on the departments' website.

3.1 Maintenance of Complaint Records

The Internal Affairs Unit shall be responsible for maintaining accurate records of all complaints against the Department and its personnel.

All records maintained by the Internal Affairs Unit shall be considered confidential and only those person(s) authorized by the Chief of Police or his designee shall have access to these records. Internal Affairs records will be maintained in a secure area.

3.2 Notification of Allegations

The Internal Affairs Unit shall notify, as soon as practical, any employee who is under investigation. The notification shall be in writing and shall identify the nature of the investigation and the employee's rights and responsibilities relative to the investigation.

3.3 Garrity Warning

Every employee who is under investigation will be given, and required to sign a copy of the "Garrity Warning", which is a result of Garrity V. New Jersey, 385 U.S. 483 87 S.Ct.616 (1967) . :

INTERNAL INVESTIGATION WARNING

"I wish to advise you that you are being questioned as part of an official investigation of the Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges".

4.0 PROCESSING PROCEDURES

Complaints that involve allegations that relate to the following will be referred directly to the Internal Affairs Unit for investigation:

- Use of Force (or any incident) involving serious injury or death;
- Allegations of criminal conduct
- Conduct involving moral turpitude
- Vehicle accidents of a major nature involving on-duty police personnel

The Internal Affairs Unit **will immediately notify** the Chief of Police of any complaint involving the above listed items as well as high liability incidents involving Department employees.

Upon receipt of information constituting a complaint or inquiry against an employee of the Department, the Citizen Complaint Form will be completed and distributed as follows:

- Original - Employee's Unit/Section Commanding Officer;
- Copy - Employee's Region/Division Commanding Officer; and
- Copy - Internal Affairs Unit.

It shall be the responsibility of the Region/Division Commanders and/or Region Executive Officer to investigate all other complaints or inquiries against subordinates under their command. The Region/Division Commanders and/or Region Executive Officer may request assistance in the investigation from the Internal Affairs Unit. Upon completion of the investigation, all reports and findings will be forwarded to the Internal Affairs Unit for review and records maintenance.

4.1 Receiving Complaints

Employees of the Department who are contacted by any citizen for the purpose of filing a complaint or inquiry against Departmental personnel will refer the matter to the accused employee's supervisor, if on duty, or an on duty supervisor if the accused employee's supervisor is either unknown or off duty. This action will permit the complainant to be interviewed and appropriate action taken or initiated.

Complaints received by mail by the Office of the Chief or Internal Affairs will be handled as any other complaint.

4.2 Investigative Procedures

The investigative process will be handled on the basis of determining whether or not the allegation constitutes misconduct on the part of the personnel involved. Based on the findings of the investigation as it progresses, the matter may be handled in one of the following ways:

- Handled as a complaint investigation, whereby the allegation would constitute a violation of law, misconduct, and breach of Departmental directives, policies or procedures.
- Handled as an inquiry, whereby the allegation would not constitute a violation of law, misconduct, breach of Departmental directives, policies, procedures, but may be a result of a lack of understanding of directive, procedure or judicial process. Under these circumstances the following dispositions would be appropriate:
 - Resolution through discussion or explanation and/or no further investigation deemed necessary.
 - Referral to the judicial process.

If a Region Executive Officer conducts the investigation, he will ensure that a complaint control number is obtained from the Internal Affairs Unit and assigned to the complaint or inquiry.

If the complaint is of a nature that requires an investigation to be conducted by the Internal Affairs Unit, notification of the accused employee's Region/Division Commander will be made if it is appropriate and practical to do so.

Regardless of the procedure selected for resolving the matter, the Internal Affairs Unit will contact the complainant by telephone, email or in writing within five (5) working days, acknowledging receipt of the complaint or inquiry.

As a general rule, all investigations will be completed within thirty (30) days. If necessary, an extension of time for completing the investigation may be granted by the Region/Division Commander or the Chief of Police. If an extension is granted, the Internal Affairs Unit shall be notified in writing and will receive investigative updates every seven (7) days. The complainant will also be kept informed regarding the status of the investigation. Regardless of the type of complaint, all investigations shall be completed within forty-five (45) working days, unless extenuating circumstances exists and only then with the approval of the Chief of Police.

4.3 Investigative Methods

Upon approval by the Chief of Police, certain investigative methods may be used during complaint

investigations or other administrative investigations. These methods will only be used when they are specifically directed and narrowly related to a particular internal investigation being conducted by the Department. Employees may be required to submit to the following for administrative purposes only:

- Breathalyzer or other medical analysis;
- Polygraph examinations;
- Employee line-ups;
- Produce financial disclosure statements;
- Employee photographs.

5.0 SPECIAL EVENTS AND OFF-DUTY EMPLOYMENT

Citizen complaints or inquiries arising from and reported during a special event will be assigned to the event commander. The event commander will be responsible for ensuring the matter is processed pursuant to established procedures. If a complaint or inquiry originates from a special event but is reported after the event is concluded, then the matter will be handled as described in this directive.

Citizen complaints or inquiries arising from, and reported during, non-duty status employment activity will be assigned to an on-duty supervisor in the geographical area where the employment occurred. If the complaint or inquiry is reported after the employment has concluded, the matter will be handled as described in this directive.

6.0 FINDINGS

If the allegation of wrongdoing is resolved utilizing the procedure for complaint investigations, then the complaint will be classified as one of the following:

- **Unfounded** - the allegation is false or there is insufficient evidence to support the allegation.
- **Not Sustained** - there is insufficient evidence to prove or disprove the allegation.
- **Exonerated** - the incident occurred but was lawful and proper.
- **Sustained** - the allegation is supported by sufficient evidence to indicate that the allegation is true.

Sustained complaints may be appropriately handled as performance matters in accordance with established departmental disciplinary procedures.

If the investigation reveals that the complaint originated as a result of an inappropriate or ambiguous departmental directive, procedure, rule or regulation, then the investigating officer will forward a copy of his report and his recommendation regarding the matter to the Chief of Police. The Chief of Police will then determine if there is a need to change the existing directive, procedure, rule or regulation or if there is a need to expand training on the matter.

Once the complaint has been resolved, the Internal Affairs Unit or appropriate Region/Division Commander or Region Executive Officer shall ensure that the complainant is notified regarding the findings of the investigation.

7.0 PUBLISHED REPORTS

The Internal Affairs Unit will publish an annual report, which outlines the nature of complaints received and the statistical outcomes of these complaints. These reports will be of a general statistical nature and shall not contain any specific information on individual complaints or employees.

7.1 Internal Distribution

The Internal Affairs Unit Annual report will be distributed to all Police Department units for the general information of all employees. Supervisors will discuss the report with their employees, pointing out problem areas and underscoring the importance of the complaint process.

7.2 Public Distribution

The Internal affairs Unit will make a copy of the Annual Report available to any member of the Public who requests it.