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## INTERNAL AFFAIRS INVESTIGATIONS

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**900.3.4** All personnel complaints, whether initiated from an external source or from an observation by a member of the Department, will be classified in one of two ways:

- (a) **Administrative Review**, the review of any incident or violation of Department policy, for the purpose of determining any necessary course of action. Up to, and including, a recommendation to the Chief of Police for an Internal Affairs Investigation.
- (b) **Internal Affairs Investigation**, an investigation into an allegation of serious misconduct by an employee of the Department. Internal affairs investigations will be assigned for investigation by the Chief of Police.

**900.3.5** Disposition:

Complaint disposition will be made in as fair and prompt manner as possible, with the obligation of providing an equitable and lawful process for all involved parties.

## **900.4 Definitions**

**900.4.1** Complaint:

A statement made alleging that a Department member (sworn or non-sworn) has engaged in an act constituting misconduct. Complaints can be made by members of the public and Departmental personnel.

**900.4.2** Complainant:

The person who files a complaint with the Department alleging the commission of a major violation or infraction by a member or members of the Department and includes any aggrieved party and any person or group who assists in filing the complaint.

**900.4.3** Conclusion(s)/Finding(s):

Results of the investigation of any allegation including the observations and conclusions of the investigating officer.

**900.4.4** Disposition:

The status assigned to a case by the chief executive following conclusion of the investigation.

**900.4.5** Infraction:

A violation of Departmental rules and regulations defining transgressions that are not major violations.

**900.4.6** Major Violation Includes:

- (a) Any violation of statutes and ordinances defining criminal offenses.
- (b) The use of unnecessary or excessive force.

- (c) Abuse of authority.
- (d) Conduct which violates a person's civil rights.
- (e) The use of abusive or insulting language or conduct which is derogatory of a person's race, religion, life style, or national origin.

**900.4.7 Member:**

Both sworn and civilian employees of the Department (includes temporary and part-time positions).

**900.4.8 Misconduct:**

Under these procedures is shown by a preponderance of the evidence that a member of the Department has:

- (a) Violated any rule, procedure, or lawful order of the Department.
- (b) Violated any of the provisions of the city/county charter or of any section of the State or Merit Plan rules relating to employee conduct in office.
- (c) Violated any law, whether codified by city/county statute, state or federal statute, or constitutional provision.

**900.4.9 Removal:**

The termination of a member's employment in the Department.

**900.4.10 Rules and Regulations:**

The administrative acts promulgated by the Chief which are designed to regulate Departmental standards of conduct and appearance.

**900.4.11 Suspension:**

The temporary removal of a member from active employment for a definite period of time.

**900.4.12 Witness:**

A person who can produce evidence relevant to an alleged major violation or infraction.

**900.5 Applicability**

These procedures shall apply to all members of the Department whether on or off duty, with the exception of the Chief and other personnel subject to summary removal, demotion, or suspension. Personnel subject to summary removal shall be afforded all rights and due process procedures guaranteed by the Peace Officer's Bill of Rights.

**900.6 Complaint Origin**

Every person has an absolute right to bring a complaint. His or her reluctance to prepare a written complaint shall not impair that right. If the complainant will not make a written complaint, a written summary completed by the Department shall be prepared by the Department member with whom the complaint is lodged.

**900.6.1** A personnel complaint shall be accepted by members of the Department at any



by the highest authority notified would be in addition to an investigation as set forth in these procedures.

### **900.7 Investigative Procedure**

All investigations shall be conducted in accordance with Government Code §3300 et. seq. and current standards established by the Commission on Peace Officers Standards and Training.

### **900.8 Confidentiality**

Except as provided in these procedures, records of complaints and investigations conducted by the Department shall be confidential to the extent allowed by law. Nothing in the procedures shall prohibit a non-Department complainant or any other non-Department person interviewed, from disclosing what occurred during that interview. Department personnel, however, are prohibited from discussing any aspects of an investigation, to include the content of their statements, with any person not authorized to conduct or review the investigation results.

### **900.9 Summary Reports**

The Department shall make available to any person, upon request, reports giving statistical summaries about complaints filed. The reports shall include information on the types of complaints filed and dispositions.

### **900.10 Maintenance of IA Records**

Investigative reports, writings, and files of every complaint shall be permanently retained for the mandatory retention period. These records shall remain confidential.

**900.10.1** Every sustained case which has resulted in a guidance/counseling form, letter of reprimand, suspension, loss of pay, demotion in rank, or termination shall require a written explanation of the disciplinary action taken to be placed in the employee's personnel file. This shall become a permanent part of the affected employee's personnel file.

**900.10.2** Once completed and filed, only the Chief, Captain or Lieutenant shall have access to an IA record, except where;

- (a) Access is required by law or court order.
- (b) Information contained in the file is relevant to a subsequent investigation.
- (c) Verbal or written permission is granted by the Chief of Police or FSDC to designee.

**900.10.3** As per P.C. 832.5, all citizen complaints must be maintained by the Department for a period of five (5) years. Administrative reviews and other government records must be maintained for a period of two (2) years.

**900.10.4** All internal investigations will be assigned an IA number and will be maintained in a separate file. Only sustained complaints will be copied and placed in an officer's personnel file.

