



Helen Police Department

Standard Operating Policies and Procedures

Chapter I-015 Misconduct and Internal Affairs	Effective Date:	August 22, 2022	# of Pages:	12
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	Special Instructions:			

I. PURPOSE

To provide guidelines and procedures for prompt and just disposition of complaints made against department personnel.

II. SCOPE

This procedure shall apply to the receipt, recording, investigation and disposition of complaints and allegations of misconduct involving personnel of the Helen Police Department.

Definition – Internal affairs investigates incidents and possible suspicions of law-breaking and professional misconduct attributed to officers on the force. Due to the sensitive nature of this responsibility, officers working internal affairs will report directly to the Chief of Police.

III. POLICY

It is the policy of the Helen Police Department to document and investigate all complaints made against agency employees or the agency itself, received from any source outside or inside the department to include anonymous complaints. It is also the policy of this Department to investigate and document all vehicle chases and uses of force conducted by any member of the Department. The purpose of these investigations is to ensure compliance with departmental and legal requirements.

IV. FUNCTION AND GOALS

Primarily, the objectives of such investigations are:

A. To Protect the Public

The public has the right to expect efficient, fair, impartial, and ethical police services. Therefore, any allegation of misconduct by department personnel must be detected, thoroughly investigated, and properly adjudicated to assure the maintenance of these qualities.

B. To Protect the Department

The department is often evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subjected to public censure, because of misconduct by one or more of its personnel. When an informed public knows that its Police Department investigates and adjudicates all allegations of misconduct against its members fairly and honestly; the public will be less likely to feel any need to raise a cry of indignation over alleged incidents of misconduct.

C. To Protect the Employee

Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process.

D. Removing Unfit Personnel

Personnel who engage in serious acts of misconduct, or who have demonstrated that they are unfit for police work, must be removed for the protection of the public, the department, and the department employees.

E. Correction of Procedural Problems

The Department is constantly seeking to improve its efficiency as well as the efficiency of its personnel. Occasionally, personnel investigations disclose faulty procedures that would otherwise have gone undetected, which may then be corrected.

V. COMPLAINT PROCESS

A. Use of Allegation of Misconduct / Inquiry / Complaint (AIC) Form

The AIC Report shall be utilized to record allegations of employee misconduct (from any source outside of, or inside the Department) as well as inquiries and complaints (through information received from outside or inside the Department) concerning department policy, procedures, or tactics.

Sources for complaints: A complaint can originate from any of the following sources:

1. Individual aggrieved person

2. Third party
3. Anonymous
4. Agency employee
5. News media
6. Governmental agency
7. Civil claim
8. Complaints can be made by members of the public:
 - a) In person
 - b) By telephone
 - c) By letter
 - d) Email

1. Allegations of Employee Misconduct

Allegations of employee misconduct shall be recorded on the AIC Report with specific information relative to an allegation of misconduct or complaint against any employee. The Department will investigate all allegations and / or complaints received.

- a. The information recorded shall be that which is necessary to begin an investigation into the events surrounding the allegation or complaint.
- b. The AIC Report concerning alleged misconduct shall be completed whether the allegation / complaint is received in person at the Department, by telephone, at a location outside of the Department, or by other means.
- c. Based upon the allegation received and preliminary determination, allegations shall be classified as:
 1. INFORMAL; or
 2. FORMAL

The primary difference in classifying the allegation is the manner in which the investigation is to be pursued.

B. Informal Investigation

An informal investigation is conducted by the Shift Supervisor on less serious allegations of misconduct. The investigation consists of obtaining memoranda from officers involved in the allegation or one on one meeting with the officer(s) involved. Usually, informal statements or interviews will be used. A personnel investigation is determined to be informal upon review of the incident by the shift supervisor based upon the nature and complexity of the allegation. Informal investigations are used for offenses of a minor nature such as minor traffic offenses, violations of departmental rules and discourtesy to the public.

C. Formal Investigation

A formal investigation will be conducted on all serious allegations of misconduct, or where an alleged breach of the law has occurred (i.e. - an offense of moral turpitude), or an action in law against either the employee and / or the Department is anticipated. A personnel investigation is determined to be formal by receiving a written citizen complaint form and/or notification of the captain by the investigating shift supervisor of a complaint that is beyond their training or experience. It will then be forwarded through the chain of command to the office of the Chief of Police to be forwarded to internal affairs (as defined in Section VI) for investigation. Only the Chief of Police can make a final determination on assignment to the internal affairs investigator or if needed, request assistance from a neutral agency in the investigation of allegations made against the department. Assignment to Internal Affairs or a neutral investigating agency will be based primarily upon the nature and complexity of the allegation.

The following types of incidents will be referred to the Chief of Police to determine if an Internal Affairs Investigation is needed. All other formal complaints may be handled at the shift supervisor level.

1. Incidents in which the completion of a Use of Force report is required.
2. Complaints involving allegations of civil rights violations or involving allegations that an employee has used racial or ethnic epithets.
3. Incidents involving off-duty misconduct.
4. Incidents involving allegations of criminal or unethical activity.
5. Incidents involving police department supervisors.
6. Allegations of negligence or neglect of duty resulting in bodily injury or death.

7. Complaints involving manipulation of or tampering with the promotional, evaluation or disciplinary process.
8. Complaints involving allegations of abusive conduct by a supervisor directed toward a subordinate.
9. Complaints made against the department which would require a neutral agency such as the GBI to conduct the investigation.

The Investigator, who will be assigned to formal investigations, will obtain taped interview statements from all employees involved. If an outside investigator is used, he / she will coordinate his / her methods with the Chief of Police.

D. Initial Contact Responsibility

All supervisors are responsible for keeping copies of the AIC Report form at all times, as well as responsible for completing the Report if necessary.

1. A reporting party appearing in person at the Department or making contact by telephone shall be referred to the affected employee's Shift Supervisor, if available, during which the incident in question happened. The Shift Supervisor shall do a preliminary investigation and upon completion of the preliminary investigation complete the AIC report if necessary, or a memorandum advising receipt of the complaint and detailing how it was resolved. When a memorandum is completed, it shall be forwarded to Internal Affairs for statistical and tracking purposes.
2. If the allegation is first brought to the attention of a civilian employee of the Department, and the offense is not one of moral turpitude, the employee will transfer the reporting party if by telephone or direct them to the appropriate supervisory personnel.
3. If the affected employee's Shift Supervisor is unavailable and cannot be available within a reasonable time, and the offense is not one of moral turpitude, the reporting party will be directed to the captain.
4. Occasionally, it is possible that the above procedure cannot always be followed. When such circumstances arise, the employee made aware of the allegation shall obtain all the information he / she can for follow-up by a supervisor. (Example: An anonymous caller who quickly hangs up the telephone, or the reporting party who "has no time" to wait for a supervisor.) It may even be necessary in a given case for an officer to complete the report form if, as in the last example, the reporting party refuses to wait for or to be contacted by a supervisor.

5. Written verification shall be furnished to persons initiating formal complaints alleging misconduct on the part of the agency or an employee. It shall be the responsibility of the officer who received the complaint to ensure that a copy of Citizens Complaint form or the AIC report is given to the complainant. Complaints made over the telephone shall be referred to the proper supervisor. The supervisor shall make a written record of the complaint and ask the complainant to complete a Citizen Complaint Form. In the event the complainant refuses to complete a complaint form, the complaint will be handled by the appropriate supervisor available.
6. The person completing the AIC Report shall advise, provide periodic status reports, and assure the reporting party that the circumstances surrounding the allegation(s) will be thoroughly investigated and that the reporting party will be notified by the investigating Supervisor or Chief of Police upon completion of the investigation and adjudication of the results.
7. When, for any reason, an oral advisement cannot be made, a letter so advising, approved, and signed by the Chief of Police or designee, shall be forwarded as soon as possible to the reporting party.

E. Inquiries

An inquiry concerns a citizen contacting the Department with questions about a policy, procedure, or tactic used by the Department.

When a citizen questions the actions of a police employee and it is determined by the receiving supervisor that the employee acted within prescribed Department policy, procedure, or tactics, the matter shall be handled as an inquiry.

It is the responsibility of the supervisor receiving the inquiry to obtain all pertinent details from the citizen needed to make an inquiry into the employee's actions.

The supervisor receiving the inquiry from the citizen shall make every attempt to explain to the citizen the circumstances as to why a particular policy, procedure, or tactic is sanctioned by the Department.

All information concerning the inquiry shall be documented on the AIC Report, including the nature of the inquiry and the response to the citizen. Any related reports or documentation concerning the inquiry shall be attached to the AIC Report.

If the citizen does not appear to be satisfied by the explanation, the supervisor shall inform the captain, who shall contact the citizen to again attempt to thoroughly explain the employee's actions, or Department policy, procedure, or tactic.

If the supervisor or captain receiving the inquiry determines that the employee has not acted within prescribed Department policy, procedure, or tactics, the AIC Report form shall reflect the matter as an allegation of employee misconduct and complete the form as appropriate.

F. Complaint

A complaint concerns a citizen contacting the Department with a general complaint on an employee regarding a minor policy infraction or accusation of rudeness, traffic complaints, appearance, discourteous behavior, discretionary decisions made, etc.

If a complaint investigated is substantiated, a copy of the completed Allegation of Misconduct / Inquiry / Complaint (AIC) Form, including all necessary summaries, the affected employee's written statement, and indicating the disciplinary action taken, will be forwarded to the Chief's Office through the supervisor and the captain. The report and attachments will become a part of the employee's personnel file.

The complainant of any case investigated by the affected employee's Line Supervisor will be notified of the disposition of the investigation. The Line Supervisor will make notification in writing, or telephonically. If the complainant disagrees with the line-level investigation, he / she will be referred to the captain.

VI. INTERNAL AFFAIRS FUNCTIONS

A. The captain shall be responsible for the administration of the Internal Affairs function of the Helen Police Department. The captain shall be responsible for and have supervision of the day-to-day operations of Internal Affairs and all personnel assigned to conduct investigations. The captain shall report all investigative findings directly to the Chief of Police.

B. A written record of all complaints against the Helen Police Department or its employees shall be maintained, regardless of the nature or reasonableness of the complaint. All complaints will be forwarded to the Internal Affairs investigator to be reviewed and assigned a tracking number and filed for statistical purposes. Formal investigations shall be maintained by the Internal Affairs division and shall have restricted access.

C. Whenever an incident is to be turned over to Internal Affairs for investigation, the Chief of Police will issue an investigative order, in writing, to the captain, and the supervisor requesting the investigation.

D. Upon receipt of the investigative order, the captain shall assign a qualified Internal Affairs investigator to the case.

E. Within five days from receipt of the complaint, the complainant shall be contacted by the Internal Affairs Investigator. The investigator shall maintain contact with the complainant as deemed necessary and keep the complainant advised of the status of the case. The captain shall ensure that the complainant is again contacted when the investigation has been completed.

F. Whenever an Internal Affairs investigation concerning possible violations of criminal law is conducted; the captain and assigned investigator shall maintain close contact with the District Attorney's Office. This liaison may include legal advice or case preparation.

G. Once a complaint has been turned over to Internal Affairs for investigation, the captain will make sure that the investigation is completed within 30 days of receipt. The Chief of Police may grant an extension whenever extenuating circumstances exist. The captain shall keep the Chief advised of status of the investigation.

H. When an Internal Affairs investigation is completed, the file shall be turned over to the captain and maintained in the captain's office.

I. An officer or employee may be requested to submit to a polygraph exam during an investigation into any alleged misconduct on his part. A polygraph will be administered to an officer only after the complainant has taken a polygraph test during the investigation of the incident.

J. During an internal investigation into any alleged misconduct on the part of an officer or employee of the department, the officer or employee may be required to:

1. Submit to any medical or laboratory examinations.
2. Participate in a line-up.
3. Produce financial disclosure statements.
4. Be photographed.

The above actions will only be taken when necessary and when they are material to a particular Internal Affairs investigation conducted by this department.

VII. EMPLOYEE RIGHTS

Whenever an employee becomes the subject of a formal Internal Affairs investigation, the Internal Affairs investigator shall issue a written statement to the employee giving notice of the allegations and the employee's rights and

responsibilities relative to the investigation. This statement shall be in the form of a Pre-Investigative Notice.

VIII. CONCLUSION OF FACT

All investigations of Department employees' accused of misconduct will conclude with one of the following findings:

A. UNFOUNDED

The investigation indicates that the act or acts complained of did not occur or failed to involve Department personnel;

B. EXONERATED

Acts did occur, but were justified, lawful and proper;

C. NOT SUSTAINED

Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint;

D. SUSTAINED

The investigation does disclose sufficient evidence to clearly prove the allegations made in the complaint.

IX. CORRECTIVE ACTION

A. The following are options available in taking corrective action against any employee within the Department:

1. VERBAL COUNSELING / VERBAL ADVISEMENT

This method of corrective action should be done verbally or orally with the employee involved; and the superior / supervising officer should document the counseling and maintain it in his / her files for future reference.

2. WRITTEN COUNSELING / POSITIVE AND NEGATIVE

This method of corrective action should be completed on the Helen Police Department approved form for the documentation of the incident. A copy of this documentation should be forwarded to the Chief's Office to be placed in the individual's file.

3. TRAINING

This method of corrective action should be used in order to improve employee productivity, knowledge, and effectiveness when problems in this area first surface. This method should be coordinated through the

appropriate section training function. All documentation of training as a form of corrective action shall be maintained in the employee's file.

NOTE: *Verbal / written counseling and training are a form of corrective action that should be positive and constructive in nature. Warnings with negative connotations or threats of disciplinary action should be avoided.*

B. The following methods of corrective action are considered disciplinary in nature in that the affected employee will be punished which results in the loss of compensation from the Department.

1. SUSPENSION WITHOUT PAY

This method of corrective action results in the suspension of the employee from the Department for a specified amount of time without compensation. Suspension without pay may range from one hour up to 30 days.

2. DEMOTION

This method of corrective action results in the involuntary demotion of an employee to a lower classification within the department. This form of disciplinary action may be recommended along with suspension without pay.

3. TERMINATION *

This method of corrective action is the most severe form of action and results in the dismissal of the employee from employment with the Helen Police Department.

*Only the Chief of Police or the City Manager, has the authority to terminate one's employment with the Department. In order to terminate someone, the procedures outlined in the City of Helen Personnel Rules and Regulations must be followed.

Suspension without pay, demotion, and termination recommendations should be well documented and thoroughly investigated so that the recommending investigating superior officer can be prepared to support his / her recommendation before any administrative judicial body.

C. Methods of Determining Appropriate Corrective Action

As mentioned earlier, corrective action may range from a verbal counseling to termination; therefore, it is of the utmost importance that the investigating superior officer consider the totality of the circumstances surrounding the incident and all mitigating circumstances.

If the act of misconduct on the part of the employee is minor in nature, and the employee's past record for misconduct is minimal, and the investigating officer feels that a positive form of corrective action is warranted, then some type of counseling may be required.

In determining a corrective action for an employee, it is important to determine what the employee's past record of misconduct reveals. An investigating supervisor who is conducting any investigation of misconduct may request the past record of the employee under investigation. The captain will be required to log all such requests as to name, rank, date, time, and reason for request before giving out any information. It is necessary that this be done in this manner, because of the confidentiality of our internal records. Any employee of the department who abuses this policy will be dealt with in an appropriate manner.

It is important that all investigating superiors who conduct any investigation of misconduct have all documentation placed in the AIC Report File in order to assist personnel who have to ascertain past records of employees under investigation. Any previous documented acts of misconduct or any previous documented corrective actions not already in the AIC Report File shall not be considered in determining corrective action in a current investigation of misconduct.

The City of Helen believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the city believes that certain basic principles set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior and performance.

1. Employees shall be advised of expected job behavior, the types of conduct that the City and the police department has determined to be unacceptable, and the penalties for such unacceptable behavior;
2. Immediate attention shall be given to policy infractions;
3. Discipline shall be applied uniformly and consistently throughout the City and any deviation from standard procedure must be documented;
4. Each offense shall be dealt with as objectively as possible;
5. Discipline shall be progressive as outlined in this Chapter; and
6. An employee's immediate supervisor, captain, Chief of Police, or City Manager shall be responsible for administering discipline.

It shall be the policy of this Department to follow the doctrine of Progressive Discipline, whereby investigating superiors take a positive approach in determining the appropriate corrective action. Unless the employee's misconduct is serious in nature, or they have established a pattern of misconduct, the corrective action should be minimal. In investigating an act of misconduct, and the employee's record exhibits previous acts of misconduct, the recommended corrective action should be more severe than the previous action and additional acts should progress in severity until termination is warranted.

X. INTERNAL AFFAIRS RECORDS

The captain shall be responsible for the maintenance of all records and materials relevant to an Internal Affairs investigation. Internal Affairs records shall be kept in a separate, secured file in the captain's office and shall only be accessible by the captain and/or Chief of Police. If disciplinary action is taken against the employee, a copy of the disciplinary form shall be filed in the employee's personnel file.

Requests to review copy or receive an Internal Affairs file must be made in writing and submitted to the captain. Written requests shall be filed and maintained in the appropriate personnel file.

XI. RETENTION/ DISSEMINATION OF INTERNAL AFFAIRS RECORDS

The captain shall retain Internal Affairs Investigation files in his or her office for that period required under record retention laws of The State of Georgia.