



Dillon County Sheriff's Office Internal Affairs & Supervisory Investigations

I. PURPOSE

To establish policy and procedures for internal affairs and supervisory investigations and to emphasize the importance of properly addressing complaints.

II. POLICY

The Sheriff's Office will provide a full and fair opportunity to file complaints against Sheriff's Office members and will impartially accept, evaluate, and investigate all complaints involving the acts or failure to act of Sheriff's Office members. Sheriff's Office members are required to cooperate fully and courteously with any person making a complaint against the Sheriff's Office. Investigations are conducted with procedural safeguards to protect Sheriff's Office members against malicious or false allegations. <52.1.1>

III. DEFINITIONS

A. Employee/member - all personnel of this Sheriff's Office.

B. Complaint - any allegations against the Sheriff's Office and/or a Sheriff's Office member of any action or failure to act which the complainant believes to be improper.

C. Serious Allegations - complaints that may damage the reputation of the Sheriff's Office or its personnel. Examples may include, but are not limited to:

1. Improper or excessive use of force;
2. Illegal conduct;
3. Breaches of an individual's civil rights; and
4. Sexual harassment.

D. Less Serious Allegations - complaints that warrant investigation, but do not rise to the level of a serious allegation. Examples:

1. The use of profane or discourteous language or manner;
2. Rudeness; or
3. Other acts, including failure to follow Sheriff's Office policy, which would not usually result in serious disciplinary action (i.e., suspension, demotion or dismissal).

E. Blue Team - an application used to enter data for the purpose of populating data fields in IA Pro software. Information obtained is used to create reports, document significant events, and monitor activities as required.

F. Citizen Complaint - a preliminary examination based on the need for information. The information may be received from a known or unknown source within or outside the Sheriff's Office. Depending on the seriousness of the complaint and the nature of information developed, a citizen complaint may be upgraded to an internal investigation.

G. Internal Affairs Investigation - an investigation generated as a result of serious allegations.

H. Supervisory Investigation - an investigation generated as a result of less serious allegations.

I. Improper - includes all meanings usually associated with the word, including abuse of discretion, derogatory language, violation of law, rule, procedure, directive, or order.

IV. PROCEDURES

A. Administration

1. The Sheriff or designee will be notified immediately by the highest ranking on-duty supervisor via telephone, text message or email in the event of a serious allegation which questions the agencies liability or will result in heightened community interest <11.4.5>

2. The Professional Standards Captain or designee manages internal affairs at the direction of the Sheriff.

3. The Internal Affairs Supervisor receives, screens, and numbers all Use of Force Reports, Vehicle Pursuit Reports, Motor Vehicle Accident Reports and Complaints. <52.1.2><52.2.2>

a. Reports are routed through the chain of command to the Captain of the operational component from which the incident originates. Captains will exchange information regarding significant matters contained in these reports on a daily basis. The Captain may copy the report and will forward the original report(s) to Internal Affairs and may also forward to the Sheriff or designee. <1.3.7><52.2.2>

b. After reviewing the Reports, these reports are forwarded to the Internal Affairs Supervisor who retains them for historical data. <1.3.7>

c. The Internal Affairs Supervisor reviews all Reports for trend data and assigns a file number to each report. <1.3.7>

d. The Internal Affairs Supervisor maintains an administrative review log listing all investigations and submits an annual report of this data to the Sheriff. <52.1.2><52.2.2>

e. Upon receipt of a complaint, the Internal Affairs Supervisor is notified. (S)he promptly records the complaint in IA Pro/Blue Team and advises the Sheriff.

(i). For those complaints that can be addressed by a supervisor, the Internal Affairs Supervisor arranges for the complaint to be investigated. Upon completion of the investigation, the investigating supervisor forwards the complaint to the Division Commander who reviews and then forwards all original documentation of the investigation to the Internal Affairs Supervisor.

(ii). The Internal Affairs Supervisor reviews the results of the investigation. In the event further investigation is necessary, the Division Commander is re-contacted. When the investigation is complete, the Internal Affairs Supervisor forwards the results of the investigation to the Sheriff.

(iii). The Internal Affairs Supervisor conducts the investigation of complaints that are serious in nature; provided, however, that the Sheriff may, in his discretion, direct another Sheriff's Office member to conduct the investigation. <52.1.1><52.2.2>

4. Activities of the internal affairs function include:

a. Recording, logging, and managing the investigation of complaints against the Sheriff's Office; <52.1.2>

b. Supervising and managing the investigation of alleged or suspected misconduct;

c. Maintaining the confidentiality of internal affairs investigations and providing secure storage of the records of investigations; and <52.1.2>

d. Analyzing the complaints against the Sheriff's Office in order to improve the provision of police services.

5. An internal investigation is required in, but is not limited to, the following situations <52.2.1 b.>:

- a. Allegations of corruption;
 - b. Allegations of excessive or improper use of force;
 - c. Breach of civil rights;
 - d. Criminal misconduct;
 - e. Sexual harassment
6. Complaints of improper conduct of a less serious nature (e.g., discourteous language, misfeasance of duty) are to be resolved, when possible, by the team supervisor consistent with Sheriff's Office policy. <52.2.1 a.>
7. Any member of the Sheriff's Office who becomes the subject of an Internal Affairs investigation will be advised of the allegations and his/her rights and responsibilities relative to the investigation prior to any formal interview.
8. At the request of the Sheriff or his designee, criminal investigations that result from an internal investigation may be conducted by the State Law Enforcement Division (SLED.) The Sheriff's Office will maintain contact with the 16th Circuit Solicitor's Office for legal advice and assistance with case preparation. Internal Affairs investigations and criminal investigations will be conducted separately.
9. The Sheriff's Office disseminates information concerning its procedures for registering complaints widely through such means as the news media, annual reports, and community relations programs.
10. Upon request, the Sheriff's Office will provide statistical information pertaining to citizen complaints and other internal affairs investigations to the public and to Sheriff's Office members. <52.1.5>
11. Sheriff's Office members will cooperate fully and will not interfere with complaint investigations. Violations of this requirement will result in disciplinary action.

B. Complaint Processing

1. All complaints regarding Sheriff's Office members and all complaints that pertain to Sheriff's Office policies and procedures will be documented and investigated. Complaints will be documented using the Police Sheriff's Office Affidavit for Complaint Investigation form and an accompanying Blue Team entry. <52.1.1>
2. Complaints may be made in person, on-line, by telephone, by FAX, by Email, or by mail. Anonymous complaints or complaints from citizens who wish their names to be held in confidence will be accepted. Complaints from third parties will be accepted. All accepted complaints must be entered into the Blue Team system. <52.1.1>
3. Personnel in receipt of a complaint against the Sheriff's Office or any of its members are directed to forward the complainant to the applicable unit or team supervisor, depending upon the nature of the complaint. When the indicated supervisor is not available (e.g. after normal business hours), the complainant will be referred to the appropriate on-duty supervisor.
4. Should the complainant refuse such referrals, all available information is to be recorded by the receiving member and forwarded to the appropriate on-duty team supervisor for entry into the Blue Team system.
5. The supervisor receiving a complaint will complete appropriate documentation and forward the information through the chain of command to the Internal Affairs Supervisor by the next business day.
6. The on-duty team supervisor may attempt to resolve minor complaints during the initial contact with the complainant. In such a case, a "citizen complaint" entry into the Blue Team system will be made. The supervisor will complete the Police Sheriff's Office Affidavit for Complaint Investigation form with the complainant, resolve the complaint, document the resolution on the form, and forward this completed form with the "citizen complaint" Blue Team entry to the appropriate Captain. After reviewing the complaint, the Captain will forward all documentation to the Internal Affairs Supervisor for final review. The Internal Affairs Supervisor will continue to track and review all complaints for historical data and trend information.
7. Complaints that cannot be resolved by the on-duty Supervisor will be documented on a Police Sheriff's Office Affidavit for Complaint Investigation form and entered into IA Pro/Blue Team using the Citizen Complaint/Blue Team procedure. Attempts to resolve complaints will be noted on the Blue Team Summary and forwarded to the

appropriate Division Commander.

8. The Internal Affairs Supervisor will ensure the complainant is sent an acknowledgment letter indicating the receipt of the complaint.

a. A copy of the Citizen's Compliments and Complaints brochure will be included with the letter.

b. If the complaint is delivered in person, the employee receiving the complaint will document the date and time the complaint was received in the appropriate area on the Police Sheriff's Office Affidavit for Complaint Investigation form and on the Citizen's Compliments and Complaints brochure. The brochure will then be given to the complainant as a receipt and for information describing the steps in the Sheriff's Office's complaint process. If the form is completed on-line, the complainant will receive an email confirming receipt of the complaint. <52.2.4 a.>

9. Allegations that are likely to have an adverse impact upon the Sheriff's Office (e.g. use of deadly force) will be reported immediately to the Sheriff.

10. Upon review by the Internal Affairs Supervisor, unresolved complaints will be assigned for further supervisory investigation.

a. Allegations of misconduct that could result in dismissal, suspension, demotion, or criminal charges being sought, will be investigated by the Internal Affairs Supervisor.

b. Allegations of less serious complaints that do not warrant an Internal Affairs investigation will be directed to the appropriate Unit Supervisor for supervisory investigation and any necessary corrective action. Supervisory investigation of these complaints will be coordinated by the Professional Standards Supervisor using the chain of command.

C. Supervisory Investigations

1. Supervisory investigations (that cannot be handled with the abbreviated complaint form CC-1A) are limited to those incidents or complaints of a less serious nature, such as discourteous language, improper performance, or relatively minor policy violations and will generally be initiated in one of the following ways:

a. The supervisor personally becomes aware of a complaint or violation of a rule; or

b. The complaint is delegated to the supervisor by a ranking officer; or

c. A complaint is reviewed by the Internal Affairs Supervisor and directed to the appropriate Captain for supervisory investigation.

2. Upon becoming aware of, or receiving notification of, a complaint or rules violations by an officer or employee under his/her control, a supervisor will begin an immediate investigation of such allegations.

3. The supervisor's investigation will be limited to questioning the subordinate, witnesses, and complainants, and securing all relevant evidence.

4. The supervisor will inform the complainant of the status of the investigation within 10 business days of receiving the complaint. The supervisor will continue to keep the complainant informed of the status by periodic telephone or personal contacts until the investigation is completed.<52.2.4 b.>

5. Supervisory investigations will be completed within 30 business days unless the circumstances warrant an extension of time.

6. Upon completion of the investigation, the supervisor will forward through the chain of command to the Internal Affairs Supervisor:

a. A report of the alleged violation;

b. All documents and evidence relating to the investigation; and

c. Recommendations for further investigation or other disposition of the complaint.

7. A supervisor's investigation may be halted when information is developed that indicates a Sheriff's Office member may be suspended, demoted, or dismissed as a result of the information. In these circumstances, a full internal investigation will be authorized.

8. All supervisory investigations are reviewed by the appropriate Division Commander before forwarding to the Internal Affairs Supervisor.

9. After final review and disposition by the Sheriff, the investigating officer will draft a letter to the complainant from the Sheriff, summarizing the findings of the investigation. These letters will follow a standard format, and will be forwarded to the Sheriff for his signature.

D. Internal Affairs Investigations

1. Scope of questioning during interview <52.2.5>

a. Prior to an Internal Affairs investigative interview that is part of a criminal investigation; the member under investigation will be administered Miranda rights. The provisions of Miranda will be complied with during the course of the investigation.

b. Prior to an Internal Affairs investigative interview that is part of an administrative investigation, the member under investigation will be advised as follows:

(i). The member can be required to answer all questions specifically, narrowly, and directly related to the performance of his/her official duties.

(ii). Refusal to comply with an order to answer such questions is a violation of Sheriff's Office rules which may subject the member to further discipline, up to and including dismissal.

(iii). Any required self-incriminatory admission made during the interview may be used only in subsequent administrative proceedings and will not be used against the officer in subsequent criminal proceedings.

(iv). Interviews conducted during Internal Affairs investigations may be tape recorded by the investigating officer for use by the Sheriff's Office and/or County of Rock Hill. No other recordings of the interview, or by the interviewee, are permitted or authorized.

2. Counsel at Interview

a. Members are not entitled to have an attorney, supervisor, or other personal representative present during any interview concerning allegations of misconduct where only administrative sanctions are anticipated.

b. Members are entitled to access to an attorney in cases of alleged criminal misconduct.

3. Truthfulness

Members subject to an administrative inquiry are required to answer all questions truthfully. Deception may result in additional Sheriff's Office charges and/or disciplinary action including dismissal.

4. Special Examinations

a. The Sheriff's Office may require medical (including breath, blood, and urine), polygraph, or psychological examinations as part of an administrative investigation pursuant to Sheriff's Office Policy and Procedures, and County of Rock Hill Personnel Resolutions. <52.2.6 a. & e.>

b. A member under investigation may request a breath, blood, urine, psychological, polygraph, or medical examination in order to assist in his defense. The member making such request may be deemed responsible for any expenses related to such procedures.

c. If an identification line-up is used solely for administrative purposes, a member may be required to stand in a line-up. <52.2.6 c.>

d. Photographs of Sheriff's Office members may be taken and used in conducting Professional Standards

investigations. <52.2.6 b.>

e. Property issued by the Sheriff's Office is subject to inspection at all times; thus evidence of work-related misconduct discovered therein may be used for purposes of an administrative investigation. Property includes, but is not limited to, vehicles, firearms, desks, files, and storage lockers.

f. Members may be required to submit financial disclosure statements as part of an Internal Affairs investigation. <52.2.6 d.>

g. Special examinations may be warranted and employed in the following conditions <52.2.6 a. & e.>:

- (i). Alleged or suspected criminal misconduct;
- (ii). Suspected use of alcohol or drugs;
- (iii). Alleged or suspected misconduct of a non-criminal nature;
- (iv). When necessary to aid in identification of members; and/or
- (v). As part of any internal or administrative investigation.

h. The Sheriff will authorize all special examinations. Refusal to comply with such orders may result in dismissal. <52.2.6 a. & e.>

5. Rights During an Internal Affairs Investigation

a. Prior to any interview or special examination, the member under investigation will receive written notification of the complaint. This notification will include a copy of the original complaint or a summary adequately listing the relevant facts, and the member's rights and responsibilities during the investigation.

b. All interviews will be conducted when the member is on duty unless the gravity of the matter requires an immediate interview. Members placed on procedural suspension during Internal Affairs investigations will be considered "on duty" while participating in interviews or other required examinations.

c. Accused members may contact the investigator to ascertain the status of the investigation of a complaint. </52.2.5>

6. The investigator will inform the complainant of the status of the investigation within 10 business days of receiving the complaint. The investigator will continue to keep the complainant informed of the status by periodic telephone or personal contacts until the investigation is completed. <52.2.4 b.>

7. Internal Affairs investigations will be completed within 90 days, unless there are extenuating circumstances. Extensions may be granted by the Sheriff. <52.2.3>

8. The Sheriff or his designee will notify the complainant of the findings of the investigation. The specific County of this notification will be at the discretion of the Sheriff. <52.2.4 c.>

9. Records pertaining to complaints against the Sheriff's Office or its members and documentation resulting from Internal Affairs investigations will be maintained by the Internal Affairs Supervisor in a secure file separate from the Sheriff's Office's central records system and personnel files, and retained indefinitely. Any releases of this information will require authorization of the Sheriff.

E. Chief's Action <52.2.8>

1. Upon receipt of a supervisor's investigation or completion of an Internal Affairs investigation, the Professional Standards Captain will make a recommendation to the Sheriff as to whether a violation has been supported by the evidence.

2. The Sheriff will review the report and evidence and will make final determination for the disposition of the case, as follows:

a. Sustained - Allegation is true and action taken was inconsistent with policy.

- b. Not Sustained - There is insufficient evidence to confirm or to refute the allegation.
 - c. Exonerated - Allegation is true, but action taken was consistent with policy.
 - d. Unfounded - Allegation is demonstrably false or there is no credible evidence for support.
 - e. Policy Failure - Allegation is true but action taken was not inconsistent with policy and there is an indication of a need for policy review.
3. The Sheriff will complete complaint disposition documentation stating the final determination of the complaint. A copy of the documentation will be returned to the employee and the employee's supervisor through the chain of command.

F. Disciplinary Action

1. Any disciplinary action resulting from an internal or supervisory investigation will be in accordance with Sheriff's Office and County policies and commensurate with the circumstances of the incident and the employee's service record.
2. Participation in a counseling program may be required in lieu of other disciplinary action if it is determined to be in the best interest of the Sheriff's Office, the employee, and the public. Failure to participate fully as required will result in imposition of the original disciplinary action.

G. Hearings and Appeals

1. Hearings that result from Internal Affairs investigations will be conducted in accordance with Sheriff's Office and County policies.
2. Appeals from disciplinary action imposed will be conducted in accordance with Sheriff's Office and County policy. See General Order Chapter 25, Section #1.01 (Grievances) for more detail.

BY ORDER OF:

Douglas Pernell, Sheriff

<CALEA Standards: 1.3.7, 11.4.5, 52.1.1-52.2.2 and 82.2.2 (b)>