

PINEVILLE POLICE DEPARTMENT

GENERAL ORDER

SECTION 3: PROFESSIONAL STANDARDS

SUBJECT: 301 INTERNAL AFFAIRS

EFFECTIVE: 01/01/2015

1. **POLICY.** This department thoroughly investigates all complaints alleging misconduct, lack of performance, or improper performance by any department employee. Any employee who commits an offense contrary to law or who acts unethically or violates the rules and policies of the department, who is incompetent to perform an assigned duty, or who demonstrates unsuitability for further services as a police officer is subject to appropriate disciplinary action.

2. **RELATIONSHIP OF ADMINISTRATIVE REVIEWS AND INTERNAL AFFAIRS INVESTIGATIONS TO CORRECTIVE ACTION.** Administrative reviews and internal affairs investigations ordinarily occur separate from and before any corrective action is taken involving an employee. Often the review or investigation will determine that an employee did nothing wrong, hence no corrective action is required. In other cases, some corrective action is called for, but in the form of training and/or minor or low-level disciplinary action. In those cases a supervisor may decide to take corrective action regarding an employee in a manner involving few formalities. In a few remaining cases, however, substantial discipline is called for. The process involved in such instances is complex and involves the provision of notice, a hearing and the imposition of grievable discipline.

3. **RESPONSIBILITY TO INVESTIGATE.** To maintain public confidence, the Department must investigate and properly adjudicate complaints against itself and its employees. The Department accepts complaints from all sources and appropriately investigates each. All complaints, regardless of origin, will be documented on the Citizens Complaint Form.

If an employee cannot resolve a citizen's complaint, and the citizen refuses to speak with a supervisor, the employee may tell the citizen that he or she can put the complaint in writing. The written letter of complaint may be addressed to the Police Chief's attention.

4. **COMPLAINTS.** Employees shall make all reasonable efforts to allow citizens with complaints about the Department to come forward and openly state their concerns without fear of retribution, indifference or obstruction. No employee of this Department shall attempt to dissuade a citizen from making such a complaint.

A. Official complaints shall be defined as: Complaints made by a citizen or member against departmental members or the manner in which police service was delivered where the complainant provides his name, address, and telephone number.

B. Any complaint made by a citizen or member of criminal conduct by departmental members whether or not the complainant discloses his name, addresses, or telephone number.

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- C. Any complaint of a non-criminal nature made by a citizen or member against departmental members whereby the complainant does not give his name, address, or telephone number, but which in the opinion of the supervisor receiving the complaint, is of such a serious nature to warrant recording or investigation.
- D. Unofficial complaints shall be defined as: complaints are any complaints of a non-criminal nature made by a citizen or member where the complainant refused to provide his name, address, or phone number and where the supervisor receiving the complaint determines the allegation cannot be followed up or where the allegation is not valid.

5. **EMPLOYEE COMPLAINTS.** Employees who wish to file a complaint of misconduct are assured of freedom from reprisal in so doing. Confidentiality will be maintained as far as is practical. If it is necessary to make the person filing the complaint known to others, the complainant shall be advised in advance. Allegations of misconduct may be filed with a supervisor, Bureau Commander, Assistant Chief, or Chief of Police.

6. **PROCESSING COMPLAINTS ABOUT AN EMPLOYEE.** Any complaint regarding an employee (whether originating from a citizen, a fellow employee, a supervisor or commander, or another agency) shall be referred to either the employee's Bureau Commander. If a complaint regards or somehow presents a conflict with the employee's Bureau Commander, the complaint may be referred to any other commanding officer, including the Chief of Police. A complaint regarding numerous employees or the department as a whole shall be referred to the internal affairs command officer or the Chief of Police.

- A. **INVESTIGATION OF ALL COMPLAINTS.** The information contained in the complaint shall be evaluated. If the facts alleged raise an arguable complaint of misconduct, investigation will continue until all the facts are collected.
Administrative Reviews involve inquiry into minor matters, including minor policy or procedural infractions by employees that would not have the potential for major disciplinary action. Administrative reviews should be conducted at the lowest possible level.
Reviewer Responsibilities (supervisors or command personnel) while investigating minor complaints including conducting an objective review to determine the facts; determining an appropriate disposition; informing the complainant of the findings and disposition, when requested or appropriate (the form or level of corrective action is a confidential personnel action and may not be divulged); reviewing the complaint disposition with the employee; administering corrective action, when necessary; completing a detailed report of

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the incident and investigation; forwarding the report through the chain of command to the internal affairs command officer.

Internal Affairs Investigations involve inquiry into serious matters, including investigations of a charge of more serious misconduct. An Internal Affairs Officer will be designated by the Chief of Police and shall have sole investigative responsibility in the following areas:

1. When directed to do so by the Chief of Police.
2. The investigation is so complex that it would be impractical for the accused supervisor to undertake the task.
3. When several officers or employees are involved in the alleged complaint.
4. Complaints alleging criminal conduct by departmental members.
5. Complaints alleging internal harassment, threats, or false accusations.

B. CLASSIFICATION OF COMPLAINTS. All complaints shall be classified into one or more of the following categories:

1. Communication – Allegation relating to a display of attitude, rude conduct, verbally abusive conduct, or non-verbal conduct of a communicative nature other than those addressed in the disparate treatment category. (Complaints of this nature usually involve profanity, asking questions which are unrelated to the investigation, being uncommunicative with the citizen or communicating in a manner which the citizen characterizes as “rude”, etc.)
2. Performance – Allegation of work performance which fails to meet or conform with Department standards or requirements of an administrative nature. (Complaints of this nature usually involve officers not meeting someone’s expectations such as not taking a report, not fingerprinting, not talking to witnesses, not issuing a citation at an accident scene, etc.)
3. Conduct – Allegation of which tends to bring reproach or discredit upon the Department. (Complaints of this nature usually include but are not limited to reasons for traffic stops, discretion in issuing citations, following motorists/ suspicious people, or other “did he/she have the right to do this” type of complaints.)
4. Property – Allegation that money, property, evidence, or other valued items have been taken and not properly accounted for, receipted, or placed in the Property Room or other secure storage. (Complaints of this nature usually deal with money or documents missing from prisoner property, driver’s license or identification not returned, items of evidence not later returned, money missing from a petty cash fund, etc.)

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5. Use of Force – Allegation of a use of excessive or inappropriate physical control, serious physical control, or deadly force. (Complaints of this nature include use of OC spray, K-9, etc.)
6. Disparate Treatment – Allegations of treatment to an individual that is different from the treatment of another because of race, sex, age, national origin, sexual orientation, economic status, political or religious beliefs, appearance, handicap, etc.
7. Procedure – Allegation of conduct which violates a General Order, Special Order, Policy, or order of a superior officer, and is not specifically addressed in any of the above. (Complaints of this nature usually involve violations of the Policy and General Order Manual)
8. Risk Management – Review of vehicle accident, injury, property damage, or exposure. Vehicle accidents include cars, trucks, bicycles or other conveyance involving a city vehicle. Injury includes personal injury to a department member or personal injury to a member of the public. Property damage involves damage to personal or real property owned by the city or a private party. Exposure involves inhalation or direct contact with hazardous materials, infectious disease, or blood borne pathogens.

C. DUTY STATUS OF OFFICER/EMPLOYEE. At the discretion of a supervisor or the Chief of Police, employees may be relieved from duty with pay or placed on administrative leave pending the outcome of the complaint process. This action is administrative and does not constitute discipline.

1. During normal duty hours when an immediate relief from duty has been recommended by a supervisor, the supervisor and the accused shall report to the office of their Bureau Commander and the supervisor shall present the accusation and any documentation. If the commander deems relief of duty to be in the best interest of the Department, he shall then forward the appropriate paperwork to his superior.
2. During other than normal duty hours when an immediate relief of duty become necessary, the following steps will be followed:
 - a. The supervisor shall direct the member to report to the office of the Bureau Commander, on notice, where the accusation and any appropriate documentation, written or otherwise, shall be discussed. If the Bureau Commander or his designee agrees the accusations justify a continued relief from duty, he shall have the authority to relieve the accused from duty pending action by the Chief of Police on the first day of normal duty hours.
 - b. The supervisor shall completely document all pertinent facts concerning the infraction, the action taken and his

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recommendations complete with justification for any further action. He shall cause the written to be forwarded to his immediate superior who will cause it, along with his written report and recommendations, to be forwarded to the Chief of Police.

In the event the Chief does not concur with the action taken, he may:

- a. Ask for additional clarification from those supervisory officers who have direct personal knowledge of or are involved in the action.
 - b. Call for a further investigation to be conducted by the internal Affairs Officer.
 - c. Direct some other course of action other than relief of duty.
- D. **WRITTEN REPORTS.** Employees involved in an incident that employees believe are likely to lead to the filing of a complaint will document their actions surrounding the incident in a police report or memorandum prior to leaving work following the incident. The memorandum may be written before or following an interview if one is conducted. In appropriate circumstances, the report may be deferred or tape recorded, as directed by a supervisor, or eliminated where an investigator who interviews the officer prepares a report of that interview which is deemed complete. Supervisors shall review the written report and ensure that all relevant issues have been addressed. Where a special report is found deficient, it shall be returned with direction to cover additional points.
- E. **DISPOSITION OF COMPLAINTS.** Upon completion of the review of the charges in a complaint, the matter will be classified as:
1. **Unfounded.** The acts complained of did not occur or did not involve Department personnel.
 2. **Exonerated.** The alleged conduct occurred but it was justified, lawful, and proper.
 3. **Not sustained.** The investigation does not reveal evidence sufficient to prove the allegation made in the complaint.
 4. **Sustained.** The allegation is supported by sufficient evidence.

7. ADMINISTRATIVE INVESTIGATIONS OF ALLEGATIONS AND COMPLAINTS. It shall be the policy of this Department to investigate allegations and complaint through lawful investigatory techniques. The burden of proving guilt rests with the Department. The investigator, whether a supervisory officer, commanding officer, or Internal Affairs investigator, will be responsible for conducting the investigation in a lawful manner. All investigations will be conducted in accordance to RS 40:2531 Rights of Law Enforcement Officer while under investigation. An employee who refuses to make a statement may be subject to discipline.

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- A. The investigator conducting the investigation shall be responsible for questioning officers, witnesses and complainants who are available. The investigator shall also be responsible for collecting and preserving evidence in the matter.
 - B. Whenever a police officer is under investigation with view of possible disciplinary action, demotion, dismissal, or criminal charges, the following guidelines shall apply:
 1. The interrogation of a police officer, when practical, shall take place at the offices of those conducting the investigation or the place where such officer reports for duty.
 2. The officer being investigated shall be informed, at the commencement of the interrogation, of the nature of the investigation, and the identity and authority of the person or persons conducting such an investigation, and at the commencement of any interrogation such officer shall be informed as to the identity of all persons present during such interrogation. All questions asked in any such interrogation shall be asked by no more than two investigators. The officer under investigation shall be allowed to take notes.
 3. Any interrogation of an officer in connection with an investigation shall be reasonable period of time and shall allow for reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such officer.
 4. No threat, harassment, promise, or reward shall be made to any officer in connection with an investigation in order to induce the answering of any question.
 5. The officer shall be entitled to the presence of his counsel or representative, or both, at the interrogation in connection with the investigation. The counsel or representative is present in an advisory capacity only and may not participate in the interrogation process.
 6. Whenever practical, interrogations of an officer shall be conducted at such times when the officer is scheduled to be on his normal tour of duty.
 7. The Chief of Police may order an officer to submit to a medical, chemical, or mechanical technique to secure non-testimonial evidence.
8. **MEDIA RELEASE.** No person or department shall release to the news media, press, or any other public information agency an officer's home address, photograph, or any information that may be deemed otherwise confidential, without the express written consent of the officer, with respect to an investigation of the officer unless withholding of said information would conflict with the applicable state or federal statutes.

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9. PERSONNEL FILES. No officer shall have any comment adverse to his interest entered into his personnel file without the officer having first read and signed the instrument containing the adverse comment, indicating he is aware of such comment,

except that such entry may be made if after reading such instrument, the officer refuses to sign it. Should an officer refuse to sign, that fact shall be noted in the document and signed or initialed by the Chief of Police. An officer shall have thirty (30) days within which to file a written response to any adverse comment entered into his personnel file.

Such written response shall be attached to and shall accompany the adverse comment. There shall be no penalty nor threat of any penalty for the exercise of any officer of his rights under the aforementioned guidelines.

10. CORRECTIVE / DISCIPLINARY ACTION. After reviewing allegations of misconduct the Chief of Police shall initiate corrective or disciplinary action in accordance with LRS 33:2500. The employee shall have fifteen days to appeal to the Civil Service Board.

11. COMPLAINTS OF CRIMINAL ACTIVITY. Complaints against employees, which allege a criminal violation, will be investigated as any other criminal matter. During the investigative process the employee involved may be reassigned or placed on Administrative Leave with pay at the discretion of the Chief of Police. Employees under criminal investigation will be afforded the same rights as any other suspect. Generally, once the criminal investigation is complete, an internal affairs investigation or disciplinary process may be initiated. If appropriate, an internal affairs investigation may be conducted contemporaneously (separately) with a criminal investigation and appropriate disciplinary action imposed prior to the completion of the criminal process.

A. ADVISE OF RIGHTS. In the event an employee is subject to custodial interrogation in the course of criminal investigation, the employee shall be advised of his/her rights as required by law.

12. USE OF TAPE RECORDINGS. The complete interview of an employee will be recorded consistent with applicable laws.

13. EMPLOYEE RESPONSIBILITIES. An employee under investigation for non-criminal misconduct may be required to meet with a supervisor or an internal affairs investigator for an interview when a formal complaint has been filed against the employee and the employee has been notified of the complaint. Other employees may also be interviewed as appropriate during the course of the internal affairs investigation. Employees will answer fully all questions, which they may be asked regarding an internal affairs investigation and will cooperate with the internal investigation process.

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At the same time, no employee shall be deprived of any rights or freedoms afforded to any ordinary citizen by the United States Constitution or by the laws of the State of Louisiana.

A. INVESTIGATION REPORT. After a full and fair investigation into the facts surrounding an allegation of misconduct, a report outlining the facts and the disposition of the case shall be prepared. The report, including its attachments, should permit the reader to determine the following:

1. The nature of the complaint.
2. The steps taken to fully and fairly investigate the complaint.
3. A summary of facts determined as a result of the investigation.
4. The disposition of the complaint; and
5. Any recommendation for supervisory review for corrective action.

14. EMPLOYEE NOTIFICATION OF DISPOSITION. An employee who is the subject of a complaint will be promptly notified of the disposition of the complaint.

15. EMPLOYEE DISCHARGE OR DISMISSAL. If an investigation of employee misconduct results in the dismissal of an employee, a written statement will be provided to the employee. The written statement will include, but not be limited to, the following:

1. A statement citing the reason for the dismissal
2. The effective date of the dismissal; and
3. Advisement of appeal and hearing rights.

7. MAINTENANCE OF RECORDS. Records of Administrative Reviews and Internal Investigations are considered confidential, and will be retained indefinitely in a secure file. These investigative records will be logged and filed numerically. Internal release of records will be on a right-to-know basis; external release will be by "Authorization To Release" or legal order. The Internal Affairs Command Officers will be responsible for file maintenance.

By order of

Darrell Basco
Chief of Police