

INTERNAL AFFAIRS INVESTIGATIONS

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900.1 Scope of Regulation

This regulation is intended to encompass the procedures which accompany any complaint against an employee which adversely impacts on the integrity, credibility, ethics, or lawful actions of the employee and the Department as a whole. While complaints of this nature usually originate with persons outside the Department, it is possible to be initiated internally. These procedures are not intended to cover those internal disputes between co-workers, best described as harmonious relations, which will be handled in accordance with current CSULB Personnel Regulations.

Although primarily intended for law enforcement personnel, these regulations may apply equally to civilian staff. Whenever possible, complaints will be handled administratively (Administrative Review), rather than implementing a full Internal Affairs investigation.

900.2 Purpose

A relationship of trust and confidence between members of the Department and the community is essential to effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a responsible, lawful and impartial manner without fear of reprisal. So too, enforcers of the law have a special obligation to respect meticulously the rights of all persons.

- 900.2.1** The University Police Department acknowledges its responsibility to establish a complaint system and disciplinary procedures which not only will subject the officer to corrective action when there is improper conduct, but also will protect the officer from unwarranted criticism when official duties are properly discharged. It is the purpose of these procedures to provide a prompt, just, open and expeditious disposition of complaints regarding the conduct of members and employees of this Department.

900.3 Policy Statement

It is the policy of CSULB and of the University Police Department to encourage citizens to bring to the attention of the Department complaints about the conduct of its members whenever a citizen believes that a law enforcement act is improper. Complaints will be received courteously by all on-duty employees of the Department.

- 900.3.1** The Department will make every effort to ensure that no adverse consequences occur to any person or witness as a result of having brought a complaint or having provided information in any investigation of a complaint. Any Department employee who subjects a complainant or witness to recrimination shall incur appropriate disciplinary action.

- 900.3.2** Public Awareness:
Summaries of the complaint process, containing the essential elements of these procedures, shall be made available to the public. Likewise, copies of the procedures shall be made available to the public upon request.

- 900.3.3** Investigation:
All citizen complaints will be thoroughly and impartially investigated in accordance with the procedures prescribed herein.

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 time of day. Complaints shall be accepted from any source and shall be accept-

ed in writing, in person or by telephone. Anonymous complaints will not be investigated. They, however, they will be reviewed for administrative purposes.

900.6.2 The complaining party may be accompanied by an attorney or other representative at the time the complaint is made and at other times during the complaint process.

900.6.3 The Department does not have a designated Internal Affairs Investigator. The primary responsibility for this function rests with the Field Services Division Commander (FSDC). Depending on the seriousness of the complaint; the investigation may be assigned either internally or externally for investigation.

(a) Complaints received by line personnel are to be forwarded through the duty supervisor to the FSDC. The FSDC will notify the Chief of Police of the receipt of the complaint.

(1) Complaints may be investigated either by the Chief of Police, or his/her designee. Qualified designees include Captain, Lieutenant, Investigator, Sergeant, or other external qualified individual.

a. Any member of the Department assigned as an internal affairs investigator must have completed a P.O.S.T approved Internal Affairs Investigator Course.

(2) At no time will an investigation be assigned to an individual who is either a party to the complaint or a primary witness to the incident/event.

(b) Complaints received directly by the Chief may be assigned for investigation at the Chief's discretion.

900.6.4 If the complaint is received by telephone, the Department member receiving the call shall complete all relevant information. The employee receiving the complaint shall give the complainant their name and advise that another member of the Department will be in contact with the complainant. The admonishment at the bottom of the complaint form will be read over the telephone to the complainant and must be acknowledged by them.

900.6.5 If the complaint is received from an anonymous person, the receiving employee shall inform the complainant of the availability of formal complaint procedures. Additionally, the complainant shall be advised that although the complaint will be reviewed, there will be no investigation as anonymous complaints constitute hearsay.

The person receiving an anonymous complaint shall complete all relevant information to the best of his or her ability.

900.6.6 In all cases, complaints shall be recorded on the approved complaint form.

900.6.7 Immediate investigation and/or corrective action is required when circumstances surrounding the alleged misconduct constitutes probable cause to believe that a serious erosion of public confidence or a major violation of a citizen's rights will occur absent such action by the Department. Any immediate action taken

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.

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