



# Charleston County Sheriff's Office Policy and Procedures Manual

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**Sheriff Carl Ritchie**

## 6-01 Internal Affairs

- ☐ New
- ☒ Revised
- ☒ Reviewed

ACA Standards Reference:	5-ALDF-7C-01
CALEA Standards Reference:	4.2.3, 22.1.2, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.7, 26.3.8, 33.6.1, 35.1.9
NCCHC Standards Reference:	
SCLEA Standards Reference:	
SC Minimum Standards:	
PREA Standards:	115.22b, 115.34, 115.71

*This policy dated 1/28/2025 replaces prior policies cited above and supersedes all previously issued directives.*

I. Purpose:

The purpose of this procedure is to promulgate policy for handling of complaints and/or allegations of employee misconduct within the Charleston County Sheriff's Office.

II. Policy:

It is the policy of the Sheriff's Office to accept all complaints of alleged employee misconduct; to conduct a fair and impartial investigation of the complaint; to determine whether the complaint is valid or invalid; and, where indicated, take appropriate action. Law enforcement personnel, like all citizens, are protected by the guarantees of the United States Constitution, but as public employees, they are in a peculiar and unusual position of public trust and responsibility. The public and the Sheriff's Office have an important interest in expecting employees to give honest replies to questions which are directly related to the performance of their official duties and/or their fitness to serve in a position of public trust.

III. Definitions:

A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, and
2. civilian, non-sworn employee.

B. *Employee*: When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

IV. Procedure:

A. Background:

The fundamental purpose of the Internal Affairs function is the maintenance of professional conduct within the Sheriff's Office. It is important that any Internal Affairs process protects the public, preserves integrity of the agency, safeguards the rights of individuals involved, and ensures fair treatment of all concerned.

To achieve these objectives, it is necessary to establish:

1. a systematic review of complaints;
2. rules governing the operations of a unit responsible for the impartial investigation of complaints; and
3. a process for the submission of findings to the Sheriff, Undersheriff, or respective chief deputy or Detention Chief, as appropriate, for consideration. (Ref: CALEA 35.1.9 item d)

**B. Acceptance of Complaints:**

1. All complaints pertaining to the Sheriff's Office, its policies and procedures, or those alleging employee misconduct will be documented and investigated. (Ref: CALEA 26.2.2)
2. Complaints may be initiated in person, over the telephone, agency internet website, or in writing. Complaints may be generated either internally or externally. Internal complaints may be made directly to the Office of Professional Standards. It is not a violation of the chain of command, in such cases, to do so.
3. Anonymous complaints, or complaints filed by individuals who wish their names to be held in confidence will be accepted for investigation. However, every effort will be made to encourage the individual making the complaint to come forward.
4. The Office of Professional Standards may initiate an investigation upon the request of an employee who feels threatened by a false accusation or a contrived situation involving false evidence. (Ref: CALEA 26.2.1)
5. Inmate complaints against detention deputies that are Prison Rape Elimination Act of 2003 (PREA) related will be administratively investigated by using the criteria that follows PREA guidelines.

The Agency's Criminal Investigations Division will conduct any criminal aspect of the inmate's complaint. However, at the discretion of the Sheriff or designee, a case may be turned over to the South Carolina Law Enforcement Division (SLED) for investigation to preclude any appearance of partiality. (See also *Policy 11-01 Criminal Investigations*, paragraphs C(1-6), *PREA Investigations*).

(Ref: PREA 115.22b, and 115.71)

- a. The departure of an alleged abuser or victim from employment or control of the Sheriff Al Cannon Detention Center (SACDC) shall not provide a basis for terminating an investigation.
- b. The Sheriff's Office will retain the case files of these incidents for as long as the abuser is employed, plus five years.
- c. All personnel in this unit will receive specialized training for conducting sexual abuse investigations in a confined setting.  
(Ref: CALEA 33.6.1 item a, and 35.1.9 item d; PREA 115.34)

**C. Documentation of Complaints:**

1. Without exception, all complaints will be documented in as much detail as possible by completing a *Citizen Complaint Form (CCSO form-331 or SACDC form-316)* with the *Action Summary (CCSO form-332)* sheet. The complainant will receive a copy of the complaint form portion documenting the name of the employee accepting the complaint and the date and time received; the *Action Summary (CCSO form-332 or SACDC form-342)* sheet will be retained for agency records. Once completed, both pages of the complaint report will be forwarded to the Office of Professional Standards to be logged and assigned a case number. Based on the severity of the allegation, the complaint will either be handled in the Office of Professional Standards or forwarded to a line supervisor for handling.  
(Ref: CALEA 26.2.1, 26.2.2, and 26.3.4 item a)
  - a. If the complaint involves allegations of rudeness on the part of an employee, or a difference of opinion between a citizen and an employee on a matter that was handled within procedural guidelines, it will be forwarded to a line supervisor. In the event a complaint is initially addressed by a line supervisor, a completed complaint report must be forwarded by the supervisor, through their chain of command, to the Office of Professional Standards. All reports will include documentation by the line supervisor on how the complaint was addressed. These complaint reports will be reviewed by the Office of Professional Standards.  
(Ref: CALEA 26.3.1 item a)
    - i. At the conclusion of an investigation from a line supervisor, the complaint form must be forwarded through their chain of command to the Office of Professional Standards. Chain of command personnel

who receive a complaint report will have five (5) working days to review the document before submitting further up the chain. (Ref: CALEA 26.2.1 and 26.2.2)

- ii. Should a person in the line supervisor's chain of command be out of the office for more than five (5) working days, the review process will be forwarded to the next succeeding rank in that chain of command. It is the responsibility of the submitting supervisor to ensure that the next receiving supervisor in the chain has received the document(s) in a timely manner. However, if the out of office rank is a chief deputy, Detention Chief, or the Undersheriff, the Office of Professional Standards will be notified, and the report will remain for them to review upon their return.
- b. If the complaint involves allegations of corruption, brutality, misuse of force, breach of civil rights, criminal misconduct, sexual harassment, or serious violations of the agency's vehicle operations policy, the complaint will be forwarded to the Office of Professional Standards. These complaints will be investigated by the Office of Professional Standards, or forwarded to the appropriate outside agency (e.g., SLED, FBI, etc.). (Ref: CALEA 26.3.1 item b)
- 2. All employees receiving a complaint will refrain from discussing the nature of the complaint and the person(s) involved except to the appropriate authority in the course of their official duties. (Ref: CALEA 35.1.9 item d)

**D. Reporting of Complaints:**

- 1. Due to the sensitivity and impact of internal affairs matters on the direction and control of the agency, members of the Office of Professional Standards have the authority to report directly to the Sheriff. (Ref: CALEA 26.2.3)
  - a. Complaints involving a death or serious injury will be reported to the Sheriff immediately.
  - b. Complaints which may result in criminal charges against an employee, or in litigation against the agency or an employee, will be reported to the Sheriff as soon as possible.

- c. Complaints of a less serious nature may be reported to the Sheriff as appropriate.
  2. Line supervisors who receive complaints have the responsibility to notify their chain of command and the Office of Professional Standards when they initiate an investigation. The Office of Professional Standards will assign a case number at the onset of the investigation. (Ref: CALEA 26.3.2 and 35.1.9 item d)
- E. Investigation of Complaints:
  1. Inquiries will be concluded within forty-five (45) days, with status reports to the Sheriff or designee as necessary. If completion is not possible within a forty-five-day period, the time may be waived by the supervising staff officer in charge of the Office of Professional Standards. (Ref: CALEA 26.3.3)
  2. Information regarding procedures for filing a complaint against the Sheriff's Office or its employees will be disseminated to the public in the following manner:
    - a. all persons requesting this information will be provided a copy of the *Citizen Complaint Form (CCSO form-331 or SACDC form-316)*; and
    - b. a copy of the *Citizen Complaint Form* will be posted in a conspicuous place at the Law Enforcement Center (LEC), the SACDC lobby, and all substations, in an area that is easily accessible to the public. Additionally, the *Citizen Complaint Form* is posted on the Charleston County Sheriff's Office Internet website where it can be completed by a member of the public and electronically forwarded to the Office of Professional Standards. (Ref: CALEA 26.2.4)
  3. Staff personnel responsible for addressing the complaint will make every effort to keep complainants informed of the status of their complaint, to include, at a minimum:
    - a. verification that the complaint was received for processing, where practical, providing a copy of the *Citizen Complaint Form* documenting the complaint, to include the date and time received; (Ref: CALEA 26.3.4 item a)
    - b. a description of the investigative process;

- c. periodic status reports every 14 days, if the investigative time frame is extended, or as necessary; and  
(Ref: CALEA 26.3.4 item b)
    - d. notification of the results of the investigation upon conclusion. Specifically, the information disseminated should be that the case was thoroughly investigated and has concluded. Agency members should refrain from discussing whether any disciplinary action was taken against an employee.  
(Ref: CALEA 26.3.4 item c)
  - 4. This notification standard does not apply in cases where the complainant is anonymous. (Ref: CALEA 26.3.4 items a, b, & c)
  - 5. When an employee becomes the subject of an internal investigation, the employee will be notified of:
    - a. the nature of the allegation; and
    - b. the rights and responsibilities of the employee relative to the investigation.
  - 6. There is no requirement to notify an employee if the notification would jeopardize an ongoing investigation. (Ref: CALEA 26.3.5)
  - 7. Upon completion of an investigation, to include interviewing complainants, all pertinent witnesses, the involved employees, and examination of pertinent documents and evidence, a report will be prepared by the investigator summarizing the investigation to include a conclusion of fact. The report will contain no recommendations regarding disciplinary action.
  - 8. Completed investigations will be retained on file in the Office of Professional Standards.
- F. Conclusion of Fact:
- 1. All complaints, whether handled by the Office of Professional Standards or a supervisor, will be classified in one of the following categories:
    - a. *Not Involved* - The alleged activity or conduct did not involve Sheriff's Office personnel.

- b. *Unfounded* - The allegation is false or not factual.
- c. *Not Sustained* - There is insufficient evidence either to prove or disprove the allegation.
- d. *Exonerated* - The incident occurred but was lawful and proper.
- e. *Sustained* - The allegation is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.  
(Ref: CALEA 26.3.8)

- 2. The Office of Professional Standards will maintain a central complaint file where final disposition of all complaints will be noted.
- 3. To ensure integrity of the internal affairs process and the agency in general, the Sheriff's Office will maintain close liaison with the Ninth Judicial Circuit Solicitor's Office in the event of a criminal matter arising from an internal affairs investigation.

G. Disposition of Sustained Complaints:

- 1. Disciplinary action taken will be determined by the seriousness of the violation. It will be commensurate with the circumstances surrounding the incident and take into consideration the employee's service record and prior sustained complaints (see also [Policy 6-02 Disciplinary Procedures](#)).
- 2. Participation in a counseling program may be required in lieu of more serious disciplinary action, should it be determined that the employee would benefit from such counseling. Failure of the employee to participate in recommended counseling could result in disciplinary measures being taken.
- 3. If the matter was investigated by any supervisor other than a member of the Office of Professional Standards, that revealed a sustained finding, disciplinary action should be administered by the investigating supervisor as soon as possible with a copy of such action forwarded to the Office of Professional Standards in a timely manner.
- 4. Cases handled by the Office of Professional Standards will forward a completed investigative report to the Undersheriff for review. The report will then be forwarded to the respective chief deputy or Detention Chief, as appropriate, outlining the findings of the



investigation, and in most cases depending upon the severity, the chief deputy or Detention Chief may forward a copy of the investigative report down to the appropriate level of supervision for handling. If the sustained violation warrants termination, the action will be handled by the Sheriff, Undersheriff, or designee.

5. Substantiated complaints involving suspensions and misconduct ([South Carolina Code of Regulations 37-025](#)) must be reported to the South Carolina Criminal Justice Academy through their designated online forms. The Office of Professional Standards will be responsible for completing and submitting of these forms.

For purposes of this section, misconduct ([South Carolina Code of Regulations 37-025](#)) is defined as:

- a. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;
- b. Unlawful use of a controlled substance;
- c. The repeated use of excessive force in dealing with the public and/or prisoners;
- d. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
- e. Physical or psychological abuses of members of the public and/or prisoners;
- f. Misrepresentation of employment-related information;
- g. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy or by the laws of this State during the course of an investigation;
- h. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a court of competent jurisdiction, or their staff members, whether under oath or not;

- i. To willfully make false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;
- j. Willfully falsifying material information provided to the South Carolina Criminal Justice Academy;
- k. The willful failure to intervene when observing another officer physically abusing a person, whether or not the person is in custody, while in the performance of his official duties, if the officer knew the person's rights were being violated, the officer had an opportunity to intervene, and the officer chose not to do so;
- l. The willful and knowing failure to promptly report another officer, while in the performance of his official duties, abusing a person whether or not the person is in custody.

**H. Relief from Duty:**

- 1. Any supervisor or staff officer may relieve any employee from duty, pending an administrative review, in the following circumstances:
  - a. Employee's action(s) or use of force in an official capacity resulted in death or serious injury.
  - b. Employee's conduct was observed by or reported to the supervisor, which is criminal, extremely serious in nature and/or creates potential harm to the public, the employee, or the Sheriff's Office.
  - c. The employee is unfit for duty due to physical or psychological reasons (e.g., intoxication, involvement in a motor vehicle accident, involvement in the use of deadly force, etc.).  
(Ref: CALEA 4.2.3)
- 2. A supervisor taking such action must notify the appropriate chief deputy or Detention Chief, as applicable, as soon as possible and articulate the reason for such action. The supervisor must also prepare written documentation in statement form as to the incident and or circumstances which led to the action. Such documentation will be forwarded to the appropriate chief deputy or Detention Chief,

as applicable, and the Office of Professional Standards by the end of shift.

3. Unless otherwise notified by the Office of Professional Standards, respective chief deputy or Detention Chief, such administrative leave will be with pay. (Ref: CALEA 22.1.2 item a; and 26.3.7)

I. Tools of Inquiry:

1. Agency Questioning:

Employees are compelled to answer questions that are narrowly related to the scope of an investigation or the employee's fitness for duty. Failure to answer such questions will form the basis for disciplinary action and may result in termination. Prior to administrative questioning, the employee will be required to read and sign a *Garrity Advisement Form* and *Truthfulness Statement*. (See *Garrity v. New Jersey*, 385 U.S. 493 (1967)).

- a. Each employee will cooperate fully with personnel of the Office of Professional Standards or any other member of the Sheriff's Office conducting an internal investigation. It will be the responsibility of any employee to answer fully and truthfully any question pertaining to the internal investigation.
- b. The answers given in response to the inquiry of an administrative matter cannot be used against the employee in a criminal prosecution; that is, provided the employee is completely truthful during the investigation.
- c. The answers given do not constitute a waiver of privilege against self-incrimination in criminal matters.
- d. During the course of an administrative inquiry, no attorney will be allowed to be present. The only exception will be upon written request and approval of the Sheriff.
- e. An employee must be advised of their rights as soon as it appears the investigation has reached an accusatory stage and may result in a criminal prosecution. The employee may then invoke their Fifth Amendment rights without administrative penalty.

2. Medical and Laboratory Examinations:

Any supervisor may, based on their observation, require an employee to submit to a test for alcohol or drug use while on duty. The supervisor will make notification through the effected employee's chain of command. If substantiated, the appropriate chief deputy or Detention Chief, as applicable, will notify the Office of Professional Standards to open an investigation and coordinate the appropriate testing. The results may be used in disciplinary proceedings. Refusal to submit to an ordered examination will be grounds for disciplinary action and may result in termination. These provisions will be in addition to the County of Charleston's random drug testing policy, as observed by this agency.

- a. If the employee is believed to be under the influence of alcohol, a certified Datamaster operator will administer the appropriate test. The supervisor will witness the test and be required to sign the report. (Ref: 5-ALDF-7C-01)
- b. If the employee is believed to be under the influence of self-administered drugs, the employee may be compelled to submit to a blood and/or urine test. The test will be administered under medical supervision where hygienic safeguards are met. (Ref: 5-ALDF-7C-01)
- c. If an employee refuses to submit to a test for alcohol or drugs, then the supervisor will immediately relieve the employee of duty for failure to cooperate in an administrative inquiry. The employee must immediately relinquish their badge and identification card, and any agency issued weapon(s) and agency vehicle. A report will immediately be forwarded to the Office of Professional Standards and the employee's chain of command. (Ref: 5-ALDF-7C-01)
- d. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee will immediately be relieved of duty and will relinquish their badge and identification card, and any agency issued weapon(s) and agency vehicle. A report will immediately be submitted to the Sheriff and the employee's chain of command through the Office of Professional Standards.
- e. During the course of an administrative investigation, the Office of Professional Standards may compel an employee with lawful

cause to submit to reasonable medical and/or laboratory examinations (e.g., blood, urine, DNA, gunshot residue, fingernail scrapings, photographing cuts and bruises, etc.). Refusal to submit to an ordered medical and/or laboratory examination may be grounds for disciplinary action up to and including termination. (Ref: CALEA 26.3.6 item *a*)

3. Photographic Procedures:

- a. A photo identification file of Sheriff's Office employees will be maintained by the Sheriff's Office. Photographs of employees will be used for identification by citizens, only as necessary for investigations of misconduct, and as it narrowly relates to the employee's job or fitness for duty.
- b. Photographs or audio/visual recordings of employees, whether known or unknown by the employee, may be taken for the purpose of internal inquiries when it relates to the employee's job or fitness for duty and the employee is suspected of misconduct. (Ref: CALEA 26.3.6 items *b and c*)

4. Financial Disclosure Statements:

An employee may be compelled to make financial disclosure statements when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any evidence gained during the investigation of an administrative matter cannot be used in any criminal proceeding. (Ref: CALEA 26.3.6 item *e*)

5. Polygraph:

- a. The Sheriff, Undersheriff, or respective chief deputy or Detention Chief, as appropriate, may order any member of the Sheriff's Office who is the subject of, or witness in, an internal affairs inquiry, complaint, or investigation, to submit to a polygraph examination. The questions asked during polygraph examinations will be narrow and specific in scope, relating only to the investigation and/or the employee's fitness for duty.
- b. When an employee is ordered to submit to a polygraph examination, the information gained cannot be used against the employee in any subsequent criminal proceeding. An employee refusing to take a polygraph after being ordered to do so is subject to disciplinary action, including termination.

- c. In the event that an employee is accused of some wrongdoing resulting in an administrative investigation, and the allegations are not proved, and in effect are one person's word against another, the person making the allegation will be offered the polygraph prior to the accused employee. In the event the accusing party is found to be untruthful or attempting deception, the investigation will be closed at that point.
- d. As with administrative questioning, information gained as a result of an administrative polygraph cannot be used in a criminal prosecution; that is, provided the employee is completely truthful during the investigation.  
(Ref: CALEA 26.3.6 item f)

6. Physical Line-ups:

Members of the Sheriff's Office may be required to participate in physical line-ups for viewing by citizens for the purpose of identifying an employee accused of misconduct. (Ref: CALEA 26.3.6 item d)

J. Confidentiality of Inquiries:

- 1. Reports of Office of Professional Standards inquiries and all supporting materials are considered *confidential* information and must be maintained in a secure area at all times. This confidentiality serves the need to protect both the accused employee and the complainant.
- 2. The Sheriff is the only party authorized to release, for public review, the details of an internal inquiry.
- 3. This confidentiality rule in no way precludes reporting to the public statistical information on the processing of all complaints and internal inquiries that were received and processed by the Office of Professional Standards.
- 4. The contents of a completed Office of Professional Standards case file will be retained for at least five (5) years from the date of completion.  
(Ref: CALEA 26.2.1 and 26.2.2)

K. Periodic Reports:

1. Statistical summaries will be compiled on a monthly basis. These summaries will be produced by the Office of Professional Standards. At a minimum, these will include the number of complaints received, both internal and external; the number of complaints in which a finding was reached; the nature of the findings; and the number of disciplinary actions resulting in suspensions, demotions, resignations in lieu of termination, and terminations.
2. These statistical summaries will be compiled annually and made available to the Sheriff, members of the agency, and the public.

(Ref: CALEA 26.2.5)