

Greer Police Department

General Order 620.1 Professional Standards

This order consists of the following numbered sections:

- I. ADMINISTRATION
- II. INTERNAL INVESTIGATIONS
- III. STAFF INSPECTIONS

By Order of: *Matt Hamby*
Chief of Police

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CALEA 26.2.1; 26.2.2; 26.2.3; 26.3.1; 26.3.2; 26.3.3; 26.3.4; 26.3.5; 26.3.6; 26.3.7; 26.3.8; 53.2.1

I. ADMINISTRATION

- A. The Professional Standard functions are the responsibility of the Support Services Bureau Captain. The purpose of those functions is to ensure that the integrity of the Department is maintained through an internal system where objectivity, fairness and justice are assured through intensive and impartial investigation, inspection and review.
- B. The Support Services Captain reports directly to the Chief of Police.
- C. The Support Services Captain is responsible for the following Professional Standards activities:
 - 1. The Support Services Captain shall conduct, coordinate or exercise staff supervision and control over the investigation of complaints or allegations of misconduct against members of the Greer Police Department.
 - 2. The Support Services Captain shall conduct or coordinate staff inspections to ensure objective review of Department procedures, personnel, equipment, facilities and administrative and operational activities as it relates to the Operational Support and Administrative Divisions. The Operations Bureau Captain will do the same for the Patrol and Criminal Investigations Division.

II. INTERNAL INVESTIGATIONS

It is the policy of the Greer Police Department to accept and document all complaints of alleged misconduct, policy, and/or Rules of Conduct violations against its sworn officers and civilian members and to make fair, prompt and impartial disposition of all charges based upon investigative findings.

The fundamental purpose of the internal affairs function is to protect the public, maintain the integrity of the Police Department, and to assure the rights and fair treatment of individual officers. To achieve an effective administrative disciplinary system, therefore, it is necessary to establish a systematic review of complaints, operate an investigative unit responsible for the impartial investigation of complaints, and render such information and findings to the Chief of Police or his designated representative. Internal Investigations are required following any allegation serious enough to result in suspension, demotion, or termination of an employee.

Misconduct is defined as:

- a. A conviction, plea of guilty, plea of no contest, or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;
- b. The unlawful use of a controlled substance;
- c. The repeated use of excessive force in dealing with the public or prisoners;
- d. Dangerous and unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
- e. The physical or psychological abuse of members of the public or prisoners;
- f. 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 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;

- g. The willful and knowing failure to promptly report another officer, while in the performance of official duties, abusing a person whether or not the person is in custody;
- h. The misrepresentation of employment related information;
- i. Willfully making a false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State.
- j. Willfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;
- k. Willfully providing 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;
- l. The falsification of any application for certification and training based upon which the officer was admitted for training; or
- m. Willfully providing false information to the Criminal Justice Academy or the Law enforcement Training Council.

A. Types of Investigations

- 1. **Formal** investigations shall be conducted on serious allegations of misconduct and the Chief of Police will be immediately notified of such allegations. Examples of investigations which might be considered as formal include, but are not limited to:

- (a) Allegations of violations of law.
- (b) Allegations of brutality.
- (c) Allegations of corruption.
- (d) Allegations of breach of civil rights.
- (e) Misuse of force

The chain of command shall normally be used to inform the Chief of Police of complaints against the Greer Police Department or individual officer or employee; nothing herein prevents any employee with information about misconduct from reporting directly to the chief of Police.

- 2. Other investigations of less serious violations may be conducted by a supervisor and proceed to the Chief of Police via the chain of command as stated in II C4 and II D3 of this General Order.

B. Complaints

- 1. A complaint is defined as an allegation that an employee has violated a Police Department or City personnel rule/regulation, a City or County ordinance, or a state or federal statute. In this regard, complaints may originate from the following sources:

- (a) Reported to supervisors by employees of the Police Department.

- (b) Reported by supervisory or command personnel.
- (c) Reported by private citizens or citizen groups.
- (d) Reported by anonymous communication.
- (e) Referred to the Police Department by any person or agency.
- (f) News media

- C. Upon receipt of a complaint, the Support Services Captain shall take the following action:
 - 1. Evaluate the complaint, assign a control number if appropriate, and determine the investigative action to be taken.
 - 2. Make required entries in the Internal Affairs Control log and index appropriately.
 - 3. Notify the appropriate Division Commander of the officer or civilian employee under investigation, provide all relevant case information, and assign responsibility for the investigation.
 - 4. Minor allegations of misconduct as stipulated in paragraph "A" will be assigned to the proper Division Commander for investigative follow-up and recommended action. Allegations of a more serious nature will be referred to the Chief of Police who will determine the assignment, scope and depth of the internal investigation.
- D. Supervisors shall take the following specific action regarding complaints brought to their attention:
 - 1. Make all necessary investigative field contacts to include the complainant. In all cases, personal contact is desired over telephone contact.
 - 2. Document all information and compile written reports.
 - 3. Take appropriate disciplinary action if the complaint or infraction is within the scope of the supervisor's authority and make the appropriate entry into the employees Guardian Tracking file. Supervisors may investigate a misunderstanding between a citizen and employee that breaches a policy of a less serious nature or other less serious policy or procedural violations as deemed appropriate by the assigned Division Commander or Bureau Captain.
 - 4. Notify their Division Commander of the complaint and actions taken. The Division Commander shall notify the Bureau Captain if a pattern of infractions is detected or if further investigation is warranted.
- E. The Support Services Bureau Captain will serve as a central repository for all Internal Investigations. Misconduct paperwork will be kept with the employee's personnel files in the office of the City's Human Resource Director. The appropriate entry also will be made into Guardian Tracking and marked as confidential if applicable.
- F. All citizens initiating a complaint against a Department employee shall be notified of the receipt of such complaint and will further be notified when the investigation is complete. Such notification shall be limited to the specific charge, the Police Department response to the charge and the overall disposition of the case. The completion of the investigation shall be given a due date within 45 days. The complainant will be kept up to date throughout the

investigation. In cases where the investigation should extend beyond 45 days, a written request for extension must have the approval of the Support Services Captain and made part of the investigative file. Citizens are not required to provide written statements in order to proceed with the investigation. The Greer Police Department will maintain an informational placard at the front desk informing the community how to provide the department with commendations, agency suggestions, dissatisfaction with the department, or a complaint alleging employee misconduct or complaint. The department has also established a portal on the website allowing the community to send electronic compliments or complaints regarding Greer Police employees. Greer Police Compliment/Complaint forms (GPD 516) will be maintained at the front desk as well as on the GPD forms tab of PowerDMS.

- G. Employee morale is of paramount importance to the Police Department. In that regard, officers and civilian employees against whom complaints have been lodged will always be informed in of the complaints, unless doing so would clearly jeopardize the ensuing investigation. In all cases, however, officers and civilian employees will be informed of the results of investigations. In summary, any employee who is subject of an internal investigation will be issued a written statement of the allegations, notice of intent to interview, and the employee's rights and responsibilities relative to the investigation. The employee shall be allowed a reasonable time prior to the interview.
- H. The Support Services Bureau Captain shall serve as the Internal Affairs Officer and shall insure the disposition and recommendations of internal investigations are reported directly to the Chief of Police for review and concurrence. The final authority for the disposition is the Chief of Police or his designee. The Support Services Captain and the Chief of Police are responsible to ensure that the investigation and the final recommendation are consistent with the investigation and the practice of the Greer Police Department.
- I. The Support Services Captain shall consult with the Solicitor's Office in all investigations involving alleged criminal conduct and the referral to SLED or appropriate County Sheriff's Office. A joint review shall be conducted with the Solicitors Office prior to the dismissal of any criminal allegations against Department employees. The Chief of Police shall be notified immediately of any allegation of a criminal nature.
- J. Upon referral for criminal investigation or prosecution, the Support Services Captain will coordinate any further administrative investigation with the criminal investigation authority to ensure that the administrative action does not jeopardize the criminal investigation or prosecution.
- K. An officer or civilian employee may be relieved of duty pending the outcome of an investigation involving allegations of serious misconduct or criminal conduct, if such action is in the best interest of the Police Department and the public. Relief from duty, transfer from field duties to an administrative assignment, placement on leave or suspension with or without pay. Relief from duty may also be used in cases where the physical or psychological fitness of an officer is impaired.
- L. Other tests may be required of officers and employees during the course of an internal investigation as deemed necessary by the Chief of Police:
 - 1. Medical or laboratory examinations regarding blood, breath, and urine, if required, shall be conducted at City expense.
 - 2. Photographs of officers/employees on file may be used or a current photograph may be required during an internal investigation.

3. Officers/employees may be required to furnish financial disclosure statements as part of an internal investigation.
 4. Officers/employees may be required to participate in a line-up as part of an internal investigation.
 5. Officers/employees may be required to submit to a polygraph examination in accordance with the Garrity decision of the U.S. Supreme Court.
 6. Audio or video recording
- M. The procedures in items 1 through 5 above would be required only when the examination is specifically directed and materially related to a particular internal investigation such as an allegation of drug usage or a witnessed act of misconduct or criminal activity.
- N. Before each questioning session in regard to an allegation of employee misconduct, the investigator shall give a Garrity Warning form to the employee to read and sign. A copy of the signed Garrity Warning will be given to the employee. The following procedures will be followed:
1. Questioning shall be conducted at the Police Department at a reasonable hour, preferably at a time when the officer or employee is on duty unless the seriousness of the allegation is of such a degree that an immediate questioning is required.
 2. The officer or employee to be questioned will be informed of the identity of the investigating officer and of all persons present during questioning.
 3. The officer or employee under investigation shall be informed of the nature of the investigation and the identity of the complainant(s).
 4. Questioning periods will be for reasonable periods of time and breaks for personal relief or rest periods will be provided. All recess periods shall be recorded and there shall be no unrecorded questions or statements.
 5. The officer or employee shall not be subjected to badgering or offensive language. No promises or rewards shall be offered as an inducement to answer questions.
 6. Nothing herein shall preclude an officer or employee from pursuing civil remedy for false or malicious complaints.
 7. If the employee refuses to answer questions relevant to the charge, the investigator shall order the employee to do so, explaining the consequences of non-compliance.
 8. If the employee refuses to answer questions after being ordered to do so, the questioning shall be terminated and the fact that the employee disobeyed a direct order shall be documented on an Employee Misconduct report form as a violation and the Captain or investigating supervisor shall immediately suspend the employee with pay and order said employee to report to the office of the Chief of Police as outlined in the procedure defining emergency suspensions within this General Order.
 10. Whenever an officer or employee is the subject of a criminal investigation, the officer or employee has the right to:

1. be represented by legal counsel.
 2. be advised of all constitutional rights through the reading of the Miranda admonishment.
 3. appeal a finding of sustained through the City of Greer Grievance process.
- O. When there are indications that an employee has consumed or used illegal drugs or consumed alcoholic beverages in violation of Department rules, he/she shall submit to the appropriate testing (datamaster, urinalysis, etc.) administered by either Law Enforcement or medical practitioners. The employee shall have the right to arrange for additional testing at his/her own expense.
- P. When a complaint of unnecessary or excessive force which resulted in an injury is alleged against an officer, the on-duty supervisor shall photograph the injuries.
- Q. Supervisors are authorized to impose an emergency suspension with pay to any employee when it appears such action is in the best interest of the Department, the employee or the public. A police employee is normally subject to an emergency suspension when he/she is accused of a criminal act, corruption or serious misconduct where the proof is evident and the presumption great or when he/she is physically or mentally unable to perform his/her duties. The following procedures shall be followed when an emergency suspension is imposed:
1. Emergency suspension must be approved by the highest ranking on-duty supervisor.
 2. Any person so suspended and the suspending supervisor shall report to the office of the Chief of Police at 1100 hours on the next working day unless circumstances dictate a different course of action.
 3. The Chief of Police shall review the facts and circumstances of such suspensions and initiate appropriate action.
- R. Internal investigations conducted by the Support Services Captain shall be completed within thirty (30) days and status reports shall be due to the Chief of Police every ten days. Exceptions to the thirty (30) day limit shall be granted only by the Chief of Police and only when extenuating circumstances exist.
- S. All internal investigations will be closed in one of the following ways:
1. Sustained- the subject employed committed all or part of the alleged acts of misconduct.
 2. Not Sustained- the investigation produced insufficient information to clearly prove or disprove the allegation.
 3. Exonerated- the alleged act occurred, but was justified, legal and proper.
 4. Unfounded- the alleged act did not occur.
- T. All records pertaining to internal investigations will be maintained in a secure file within the office of the Support Services Captain for the duration of the employee's employment. Files of separated employees will be maintained by the HR Manger. Access to internal investigations files is limited to the Captain and the Chief of Police. Annual statistical

summaries of agency complaints and dispositions will be drawn from these files and made available to employees and the public.

- U. The Chief of Police must report to the South Carolina Criminal Justice Academy the occurrence of any act or multiple acts by a Greer Police Officer, who is currently or was last employed by this agency, he reasonably believes to be misconduct. The report shall be made within fifteen days of the final action resulting from the internal investigation conducted by the Greer Police Department, and shall be on a form prescribed by the council.

Reported incidents of misconduct shall be prosecuted by the Greer Police Department before a contested hearing. The Greer Police Department shall maintain prosecutorial discretion up to the time of the contested case hearing. If the Greer Police Department declines to prosecute the allegation or allegations of misconduct, the Greer Police Department shall provide a written report to the council stating the case is not being prosecuted.

A willful failure to report information related to acts of misconduct shall subject the Greer Police Department to a civil penalty as provided by the council. The council may impose civil fines, in its discretion, not to exceed five hundred dollars per day for each day the Greer Police Department is out of compliance with this section.

All sustained complaints must be reported to the South Carolina Law enforcement Training Council on the standardized form provided by the Council. Substantiated complaints include those offenses where an officer was suspended, or meets any of the criteria stated in South Carolina Code of Regulation 37-025.

- V. If employee misconduct results in dismissal, the following information will be provided to the employee:
 1. A statement citing the reason for the dismissal;
 2. Effective date of the dismissal;
 3. A statement of the status of fringe benefits and retirement benefits after dismissal; and
 4. A statement as to the content of the employee's employment record relating to the dismissal.

All sworn employee dismissals shall be reported to the South Carolina Criminal Justice Academy (SCCJA) as required by Law Enforcement regulations.

All law enforcement agencies and other employers of law enforcement officers are required to notify the Academy when an officer leaves their employment, regardless of the reason for the separation within fifteen days of separation. This information is to be submitted via a Personnel Change in Status (PCS) form to the SCCJA.

III. STAFF INSPECTIONS

- A. The respective Bureau Captains shall conduct staff inspections of all functional units within the Police Department at least once every four years. Authority to conduct the inspections is delegated to the Captains by the Chief of Police. The Captains shall be designated by and be directly responsible to the Chief of Police for policy compliance.
- B. The role of Staff Inspections is to ensure objective review of Police Department policies, procedures, facilities, equipment, and administrative and operational activities outside the normal supervisory and Line inspection procedures and the chain of command. The Captains shall conduct inspections in an objective and impartial manner and will submit an

unbiased report of the findings to the Chief of Police including recommendations for improvements or remedial action to correct deficiencies.

- C The Captains shall maintain the necessary files to ensure follow-up inspections and continuity.
- D. To attain objectives of Staff Inspection, everything relating to the Police Department is subject to inspection.
 - 1. Examples of areas subject to inspections:
 - a. Personnel
 - b. Equipment
 - c. Operations
 - d. In addition, the Chief of Police may order, or the Captains may conduct, inspections of any organizational element, procedure or condition which may give the appearance of not functioning as desired.
 - 2. The Captains shall give a minimum of two days notice to the Division Commander of the unit to be inspected prior to the inspection.
- E. Post-Inspection Activity
 - a. A complete constructive report of the inspection will be forwarded to the Commander of the inspected personnel and the Chief of Police. The report will include recommendations for improvement where applicable.
 - b. Appropriate credit shall be given to the unit inspected and its personnel when its operation is particularly good.
 - c. Recommendations for improvements may be made directly to the unit commander in every case where it is within his/her authority to affect the change.
 - d. Spot-check inspections may be conducted continuously and on an un-scheduled basis without advance notification for the purpose of identifying deficiencies of personnel or materials.
- F. Clarification of Line vs. Staff Inspections
 - 1. Line inspection is an on-going process conducted by those in direct command and who have the authority to act or require immediate action of subordinates. On-going authoritative inspection is a duty of every supervisor. This duty includes the responsibility to take the immediate action indicated by an inspection and may include commendations for exemplary performance and corrective action for deficiencies.
 - 2. Staff inspection is conducted by persons who, having no direct responsibility for the subject of the inspection, normally only report the results.