

INTERNAL INVESTIGATIONS

1. **INTRODUCTION:** The effectiveness of any law enforcement agency depends on public approval and acceptance of police authority. Therefore, the Department will be responsive to the community by providing formal procedures for processing complaints about its performance. It is to the Department's advantage that complaints and the circumstances surrounding them are thoroughly investigated and resolved.
2. **PURPOSE:** This directive establishes guidelines for receiving and investigating complaints against the agency and complaints against its employees' performance or misconduct and provides for recording and maintenance of records.
3. **POLICY:** The Huntsville Police Department will ensure the integrity of the Department and its employees by investigating allegations against the agency and against employees from any source (including anonymous sources), outside or inside the Department. Investigations will be conducted, and appropriate investigative records will be maintained.
4. **SCOPE:** This written directive is applicable to all employees of the Huntsville Police Department.
5. **RESPONSIBILITY:** All personnel will be responsible for compliance with this directive.
6. **ADMINISTRATION**
 - A. **ROLE AND AUTHORITY:** The Office of Internal Affairs will investigate or coordinate investigations involving internal matters. The goal of the Office of Internal Affairs is to ensure the integrity of the Department through an internal system in which objectivity, fairness, and justice are assured by impartial investigations and review.
 - B. **RESPONSIBILITY FOR FUNCTION:** The Commander of the Office of Internal Affairs shall be responsible for the internal investigations function. This supervisor shall report to the Chief of Police.
 - C. **INVESTIGATIVE AUTHORITY:** Internal Affairs Investigators, or officers temporarily assigned to that unit, shall have the authority to interview any member of the Department, and to review any record or report of the Department, relative to their assignment.
 - D. **EMPLOYEE DUTY TO COOPERATE:** Departmental employees shall render material and relevant statements to the designated departmental authority when so directed. Personnel shall not, in any manner, interfere with an internal investigation.

E. INTERNAL INVESTIGATION ASSIGNMENTS

1. **INVESTIGATIVE SCOPE:** The Office of Internal Affairs shall be responsible for conducting reviews and administrative investigations concerning allegations of misconduct by members of the Department which include but are not limited to:
 - a. Allegations against staff personnel;
 - b. Allegations of excessive force; and/or
 - c. Allegations of misconduct which may adversely reflect upon the employee and/or the Department.

2. **OTHER RESPONSIBILITIES:** In addition to investigations of allegations of misconduct, the Office of Internal Affairs shall be responsible for:
 - a. Coordination of investigations involving the discharge of firearms;

NOTE: For use of force and/or in custody incidents involving death or serious injury, the State Bureau of Investigations (SBI) will conduct the criminal investigation and the Office of Internal Affairs will conduct the administrative investigation.
 - b. Completing employment background investigations on all departmental applicants; and
 - c. Other investigations directed by the Chief of Police or his designee.

3. **CENTRAL COMPLAINT FILE:** The Office of Internal Affairs will maintain a comprehensive central complaint file of all complaints received. This centralized information will be used to formulate training and written directives, and aid in the reduction of complaints.

4. **INVESTIGATIONS BY SUPERVISORS:** Complaints of discourtesy, demeanor, and other violations of departmental policy may be assigned to the employee's supervisor for investigation.

7. COMPLAINT PROCESSING

A. ACCEPTANCE OF COMPLAINTS:

1. **ALL EMPLOYEES RESPONSIBLE:** All employees of the Department will be held responsible for courteously receiving (or referring, as appropriate) any complaint

reported to them against the Department or any employee. This will include complaints made by telephone or mail.

2. **DISSEMINATION OF COMPLAINT PROCEDURES:** Procedures for registering complaints shall be made available to the community on our external web site, and through the Department's community relations programs. This information shall also be disseminated to all agency employees.
3. **COMPLAINTS TO BE IN WRITING:** Complainants will be asked to file their complaint in writing and in person when possible. Complainants will also be asked to participate in recorded interviews when necessary. Failure to cooperate with the investigator in charge will be reflected in the investigation.
4. **RECEIPT OF COMPLAINTS BY COMMUNICATIONS DIVISION:**
Communications Division will relay complaints as follows:
 - a. **EMPLOYEE CURRENTLY ON DUTY:** Relay complainant information to the employee's immediate supervisor or designee if possible. Should a complainant request Internal Affairs, they may be transferred if during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) or if after hours given the phone number and hours to call.
 - b. **EMPLOYEE OFF DUTY:** Give the complainant the option to wait for contact from the employee's immediate supervisor during his regular duty hours or to call Internal Affairs during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).
5. **RECEIPT OF COMPLAINTS AT INFORMATION DESK:** If a complaint is received at the Information Desk during normal business hours, the complainant will be directed to the Office of Internal Affairs. Complaints received after hours will be relayed to the Shift Commander or the next available supervisor.
6. **COMPLAINT PROCESSING BY THE OFFICE OF INTERNAL AFFAIRS:**
 - a. When an official complaint is received at the Office of Internal Affairs , it will be reviewed, recorded, and assigned to the appropriate investigator or supervisor to investigate.
 - b. All other inquiries received by the Office of Internal Affairs that allege employee misconduct will be documented and forwarded to the Chief of Police (or designee) for review and appropriate action. This does not relieve supervisors of the responsibility to initiate action on alleged employee misconduct that requires immediate attention.

c. Complainant Status Notifications:

1. Upon receipt of a complaint (usually within 48 hours), the Internal Affairs Commander will send the complainant a letter acknowledging receipt of the complaint. The complainant will be furnished a contact number to forward additional information or check the status of the case.
 2. Generally, investigations must be completed within thirty (30) days of assignment. Any time an extension is granted, the complainant will be notified.
 3. Complainants will be updated, when necessary, on the status of the investigation.
 4. Within ten working days after the conclusion of the investigation, the Chief of Police will send the complainant a letter signifying the completion of the case and the results of the investigation.
7. **SERIOUS ALLEGATIONS:** The Chief of Police will be notified immediately of all serious complaints of alleged employee misconduct. Serious allegations include but are not limited to:
- a. Allegations against employees of felony criminal offenses;
 - b. Employee involved shootings; or
 - c. Excessive force involving serious injury.

B. INVESTIGATION OF COMPLAINTS

1. **IMPARTIALITY:** Complaints shall be investigated by persons not involved in the situation generating the complaint and not implicated by the complainant.
2. **NOTIFICATION OF ACCUSED EMPLOYEE:** Upon being notified of being the subject of an internal investigation, the accused employee will be provided with a written document of the allegations and the employee's rights and responsibilities relative to the investigation.
3. **INVESTIGATIVE ASSIGNMENT:** If the investigation focuses on criminal matters, it will be forwarded to the appropriate commander in charge of Criminal Investigations. The Office of Internal Affairs may also gather information from the appropriate squad for administrative purposes.

4. **TIME LIMITS:** The impact of a case on the integrity of the agency and on employee morale necessitates a timely resolution to such issues. Generally, investigations must be completed within thirty (30) days of assignment. If necessary, the time limit may be extended according to circumstances. The responsibility for requesting an extension rests with the assigned investigator/supervisor. Requests for extension must be in writing, directed to the Chief of Police. The Office of Internal Affairs supervisor will forward a status report on all active cases to the Chief of Police every seven (7) days.
5. **REPORT OF INVESTIGATION:** Upon completion of the investigation of a complaint by an employee's supervisor or Shift Commander (which shall include interviewing all witnesses, complainants, the accused employee(s), and obtaining any pertinent documents), a report shall be prepared by that supervisor summarizing the investigation and determining the disposition of the case. In addition, the supervisor shall recommend what disciplinary action, if any should be taken, and forward that recommendation to the Chief of Police through the Chain of Command.
6. **DISPOSITION OF CASE FILES (SUPERVISORY INVESTIGATION):** Upon final disposition of cases in which the investigation was conducted by a supervisor, the file will be forwarded to the Office of Internal Affairs for record keeping, review, and to be maintained in a secure area by the IA Commander.
7. **DISPOSITION OF CASE FILES (IA INVESTIGATION):** An investigation conducted by the Office of Internal Affairs shall be documented and retained in the same manner as an investigation conducted by an employee's supervisor. The completed investigation will be forwarded to the Chief of Police for review.

C. ADJUDICATION OF COMPLAINTS

1. **FINDING OF FACTS AND RECOMMENDATION:** All complaints, whether investigated by the Office of Internal Affairs or a supervisor, shall include a finding of facts and be adjudicated according to established disciplinary procedures.
2. **FINAL DISPOSITION:** Complaints with a final disposition of Improper Conduct, with concurrence of the Chief of Police, will be entered in the employee's Department personnel file. The employee shall be notified in writing of the final disposition and whether the complaint will be placed in the employee's personnel file. The Chief of Police may, after review of the case, reclassify an allegation and then take actions outlined in this policy.

8. OPERATIONAL PROCEDURES

A. NOTIFICATION OF CITY ATTORNEY: The City Attorney's Office shall be notified of all investigations that might result in civil action against the employee or the City.

1. Investigations which require notification shall include but are not limited to:

- a. Violations of civil rights, such as use of excessive force where serious injury has occurred;
- b. Allegations of False Arrests; and
- c. Serious allegations where the complainant states an attorney has been attained and a pending civil suit is forthcoming.

2. Upon notification of a complaint of this nature, appropriate departmental personnel will brief the City Attorney's Office on the case and coordinate the investigation accordingly.

B. REPORTING: The Office of Internal Affairs will prepare annual reports for the Chief of Police, summarizing the nature and disposition of all complaints received by the unit. Annual statistical summaries, based on the records of Internal Affairs investigations, will be made available to the public and HPD employees.

C. INVESTIGATIVE TOOLS

1. DEPARTMENTAL QUESTIONING: Employees are compelled to answer questions, submit written statements, and participate in recorded interviews during internal investigations related to the employee's duties or fitness for duty. Failure to answer such questions and cooperate with the investigation may form the basis for disciplinary action and may result in dismissal from the Department.

- a. Answers given during the investigation of an administrative matter will not be used against the employee in any criminal proceeding, except for perjury or obstruction of justice. (US.V Veal, 153 F3d 1233 (11 C.A. – 1998))
- b. Answers given do not constitute a waiver of the privilege against self-incrimination as in criminal matters.
- c. Whenever an employee is subject to questioning for reasons that would likely lead to demotion or dismissal, the employee shall have the right to have counsel or other representative present during such questioning. Representatives shall not be involved in the situation generating the complaint or implicated by the complainant. The representative may be present during such questioning but may

not participate in the questioning process. No Department supervisor shall act as a representative for any other employee of the Department in this process.

2. **DRUG AND ALCOHOL TESTING:** Employees may be subjected to drug or alcohol examinations in accordance with established City policy.
3. **PHOTOGRAPHS AND LINEUPS:** Employees may be directed to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct, when the action is material to a particular investigation being conducted by this agency. Refusal to stand in a properly conducted lineup may be grounds for disciplinary action and could result in dismissal.
 - a. A photo identification book may be maintained by the Department, for identification of an employee accused of misconduct when material to a particular internal affairs investigation being conducted by this agency.
 - b. Photographs, electronic images, or videotaped pictures of employees may be taken for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct.
4. **FINANCIAL DISCLOSURE STATEMENTS:** An employee may be compelled to make financial disclosure statements, when directly and narrowly related to the performance of duty or fitness for office.
5. **POLYGRAPH EXAMINATION:** Use of polygraph examinations in internal investigations shall conform to established polygraph policies and procedures.

D. CONFIDENTIALITY

1. The progress of an Office of Internal Affairs investigation and all supporting materials are considered confidential information. This confidentiality serves to protect both the accused employee and the complainant.
2. Internal Affairs files will be maintained in a secure area. Only authorized personnel will have access to the files.
3. The Chief of Police (or designee) is the only party empowered to release the details of an internal investigation to the public.
4. This confidentiality rule in no way precludes reporting to the public statistical information on the processing of all complaints and internal investigations received and processed by the Office of Internal Affairs. Such reporting will be designed to preserve confidentiality in individual cases.

E. MOBILE VIDEO RECORDING SYSTEMS (MVRS) DIGITAL EVIDENCE:

1. As defined in Written Directive 401.24, MVRS include vehicle-mounted video recording systems (dashcams), backseat cameras, and/or body-worn camera systems (BWC). Videos captured by MVRS provide critical evidence needed to resolve criminal and civil issues in court proceedings. The critical function of collecting, storing, and producing this type of video or digital evidence greatly assist and protects the integrity of the judicial system. Preserving the evidentiary value of the video and digital evidence for court proceedings is of the highest priority. In support of this requirement, the City Attorney's Office, in conjunction with the Office of Internal Affairs, shall respond to all court-directed requests for MVRS in a timely manner.
2. MVRS further serves the important function of supporting the objective reviews of law enforcement actions necessary for the continuous improvement and modernization of the department. The video and digital content helps determine and establish policy, equipment, training, and disciplinary decisions by the department leadership. Preserving MVRS content's value and integrity during those administrative proceedings is of utmost importance.
3. At the conclusion of an investigation or in lieu of an investigation, an individual may request to view mobile video recording content. Below are the guidelines for public viewing of the mobile video recording systems:
 - a. The requesting party must be:
 1. The primary participant;
 2. In certain circumstances the primary participant's next-of-kin; and/or
 3. The primary participant's designated representative with communicated consent from the appropriate party listed above.

NOTE: The Office of Internal Affairs shall seek guidance from the City Attorney on all matters relating to privacy when multiple parties are captured in the recordings, the recording potentially includes minors, or the recording occurred inside a private residence or other location where privacy would reasonably be assumed.

- b. An individual listed in section (a) must contact the Office of Internal Affairs to schedule an appointment.

NOTE: The Office of Internal Affairs will schedule the appointment as soon as possible to accommodate the request.

- c. Any form of recording or duplication of the mobile video recording system content is strictly prohibited.
- d. All requests for the release of any mobile video recording system content will be submitted to the City Attorneys' Office.