



# KERSHAW COUNTY SHERIFF'S OFFICE

SHERIFF LEE BOAN

CALEA 26.3.2, 26.2.1, 26.2.2, 26.2.4, 26.3.3, 26.3.5, 43.1.1

## INTERNAL AFFAIRS

### CHAPTER 312

#### 312 INTERNAL AFFAIRS

##### 312.1 PURPOSE

To establish guidelines when complaints are received by the public or employees, how complaints are investigated, employee rights, and maintaining records of all complaints.

##### 312.2 POLICY

It is the policy of the Kershaw County Sheriff's Office to ensure that all employees of the department perform their duties with professional competence and discipline. Therefore, all complaints against members of the department should be investigated, whether initiated by an employee or by a citizen of the community.

##### 312.3 OPERATION OF THE INTERNAL AFFAIRS UNIT

The Department shall maintain an Internal Affairs Unit that shall answer directly to the Sheriff. The Unit shall consist of the Chief Deputy and other personnel appointed by the Sheriff. The Unit shall be responsible for conducting complaint investigations in accordance with this directive, as well as conducting any administrative investigations assigned by the Sheriff. (SCLEA 11.3)

The Internal Affairs Unit shall also be responsible for coordinating, supervising, and assisting in complaint investigations conducted by staff personnel. The Internal Affairs Unit will maintain a liaison with the appropriate prosecutor's office concerning internal investigations involving alleged criminal conduct on the part of an employee.

The Internal Affairs Unit will provide a form to office staff with the Sheriff's Office that outlines the procedures the public will follow in lodging a complaint against the Department or its employees. In addition, complaint procedures and forms are available on the department's website. (SCLEA 11.2)



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The Internal Affairs Unit shall notify the complainant upon receipt of the complaint, provide periodic status reports to the complainant, and provide the results of the investigation. (SCLEA 11.7)

## 312.4 MAINTENANCE OF COMPLAINT RECORDS (SCLEA 11.5)

The Internal Affairs Unit shall be responsible for maintaining accurate records of all complaints against the Department and its personnel.

All records maintained by the Internal Affairs Unit shall be considered confidential and only those person(s) authorized by the Sheriff or his designee shall have access to these records. Internal Affairs records will be maintained in a secure area.

## 312.5 NOTIFICATION OF ALLEGATIONS (SCLEA 11.8)

The Internal Affairs Unit shall notify, as soon as practical, any employee who is under investigation. The notification shall be in writing and shall identify the nature of the investigation and the employee's rights and responsibilities relative to the investigation.

### *Garrity Warning*

Every employee who is under investigation will be given and required to sign a copy of the "Garrity Warning", which is a result of Garrity V. New Jersey, 385 U.S. 483 87 S.Ct.616 (1967). :

### INTERNAL INVESTIGATION WARNING

"I wish to advise you that you are being questioned as part of an official investigation of the Kershaw County Sheriff's Office. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that could result in your dismissal from the Sheriff's Office. If you do answer, neither your statements nor any information or



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evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent discipline”.

312.6

## COMPLAINTS

All formal complaints pertaining to the department, its policies and procedures, or that allege employee misconduct should be investigated. Formal complaints, including anonymous ones, may be made in person, over the telephone, or in writing.

In all cases, the complainant should be required to fill out a Complaint Form. In rare situations where the complainant wishes to remain anonymous, complaints will be accepted. However, every effort should be made to encourage the individual making the complaint to come forward.

Formal complaints can come from the citizens, employees, or other means.

### *First Line Supervisor*

Complaints that may be handled by line supervisors, or otherwise directed by the Chief Deputy, shall include, but not be limited to, the following: **(SCLEA 11.1 a)**

- Differences of opinion between a citizen and a deputy relative to enforcement;
- Minor omissions in assigned duties;
- Tardiness;
- Uniform and equipment deficiencies;
- Minor infractions of departmental policies concerned with safety;
- Complaints of discourtesy or minor misconduct;
- Minor disciplinary problems of a supervisory nature; or
- Cases referred for supervisory follow-up by Internal Affairs.

\*\* If there is doubt as to the seriousness of alleged misconduct, the Chief Deputy shall be consulted for interpretation.



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## *Internal Affairs*

Complaints that require investigation by Internal Affairs may include, but not be limited to, the following: (SCLEA 11.1 b)

- Commission of a crime;
- Violations of the Code of Conduct;
- Use of narcotics;
- Intoxication on duty or in public;
- Acceptance of a bribe;
- Malfeasance in office;
- Injury to a prisoner;
- Dishonesty;
- Unauthorized release of confidential information;
- Sexual harassment;
- Excessive force;
- Other acts of a serious nature;
- Inter-department complaints; or
- Complaints referred by the Sheriff.

The Internal Affairs Unit shall maintain staff control and coordinating responsibility over all ongoing investigations. All complaints shall be reviewed by the Internal Affairs Unit. (SCLEA 11.1 c)

Investigations should be completed within forty-five (45) days. If completion of the investigation is not possible within the prescribed time period, the Sheriff may waive the time limitations or may designate an alternative time frame for completion. (SCLEA 11.1 d)

A written report specifying the final results of an internal affairs investigation shall be forwarded to the Sheriff. (SCLEA 11.1 e)

## 312.7 INVESTIGATIVE METHODS (SCLEA 11.4)

Upon approval by the Sheriff, certain investigative methods may be used during complaint investigations or other administrative investigations. These methods will only be used when they are specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

Employees may be required to submit to the following for administrative purposes only:



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- Breathalyzer or other medical analysis;
- Polygraph examinations;
- Employee line-ups;
- Produce financial disclosure statements;
- Employee photographs.

## 312.8 FINDINGS

If the allegation of wrongdoing is resolved utilizing the procedure for complaint investigations, then the complaint will be classified as one of the following:

- **Unfounded** - the allegation is false or there is insufficient evidence to support the allegation.
- **Not Sustained** - there is insufficient evidence to prove or disprove the allegation.
- **Exonerated** - the incident occurred but was lawful and proper.
- **Sustained** - the allegation is supported by sufficient evidence to indicate that the allegation is true.

Sustained complaints may be appropriately handled as performance matters in accordance with established departmental disciplinary procedures.

If the investigation reveals that the complaint originated as a result of an inappropriate or ambiguous departmental directive, procedure, rule or regulation, then the investigating officer will forward a copy of his report and his recommendation regarding the matter to the Sheriff. The Sheriff will then determine if there is a need to change the existing directive, procedure, rule or regulation or if there is a need to expand training on the matter.

### ***Relief from Duty (SCLEA 11.6)***

If it is in the best interest of the agency and the public, employees can be relieved from duty pending the outcome of an investigation involving allegations of serious misconduct or criminal conduct.

Relief from duty is also used in cases where the officer's physical or psychological fitness is impaired. Relief from duty involves transfer from field duties to administrative duties, placement on leave, or suspension without pay.

The authority to relieve an officer from duty shall extend to supervisors.



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## 312.9 REPORTS

The Internal Affairs Unit shall provide the Sheriff with a quarterly report of all complaints filed against the department, dispositions of closed investigations, and the status of ongoing investigations.

The Internal Affairs Unit shall conduct monthly audits of divisional complaints and disciplinary action files.

## 312.10 CEO, NOTIFICATION

The Sheriff is provided notification by a command staff member of complaints of a serious nature against the department or the employees thereof.