



OFFICIAL ORDER

MICHIGAN STATE POLICE

Chapter: Personnel
Subject: 03-60 – Administrative Investigations
Effective: November 1, 2024
Supersedes: Official Order 1, Article 4, dated January 7, 2009
Distribution: Department Members

PURPOSE: This Order establishes department policy on administrative investigations of alleged member misconduct.

03-60-1 POLICY

To ensure accountability, maintain the integrity of the department, and uphold professional standards, it is the department's policy that all complaints or allegations of member misconduct are investigated and that investigations are conducted in a fair, thorough, and impartial manner.

03-60-2 DEFINITIONS

- A. Administrative investigation: A process to gather evidence related to an allegation of member misconduct, which is then used to inform disciplinary decisions.
- B. Complainant: The individual or entity submitting an allegation of misconduct.
- C. Complaints: Allegations of misconduct received from department members or members of the public, including complaints made anonymously.
- D. Full investigation: An administrative investigation that includes a principal being compelled to make a statement.
- E. Misconduct: Violations of the Code of Conduct.
- F. Partial investigation: An administrative investigation in which a full investigation is not necessary to determine an accurate closing disposition.
- G. Principal: A member against whom allegations of misconduct have been made.
- H. Process investigation: An administrative investigation in which allegations of misconduct have not been made, but fact-finding is needed to assist with assessing or evaluating department processes, work unit adherence to established standards, equipment, or other department-related matter.

03-60-3 DESIGNATION AND AUTHORITY OF INVESTIGATORS

- A. An investigator designated by the Director to conduct administrative investigations has the authority of the Director to access department records, gather and secure evidence, compel

written or verbal statements from members, and to order members to answer questions related to the investigation.

- B. The following members are designated to conduct administrative investigations on behalf of the Director:
 - (1) Any member of the Professional Standards Section (PSS) when assigned to conduct an investigation by the commander of the PSS.
 - (2) The commander of the Transparency and Accountability Division (TAD).
 - (3) Any department member assigned by the commander of the TAD to conduct an administrative investigation.

03-60-4 CONDUCT OF INVESTIGATIONS

- A. Administrative investigations shall be conducted in accordance with department written directives governing disciplinary procedures and proceedings under the supervision of the commanders of the TAD and the PSS.
- B. Administrative investigations shall be documented on reports and forms as required by the commander of the PSS.
- C. Full investigations shall be conducted of the following:
 - (1) Complaints in which an allegation, if proven true, would likely result in the suspension or termination of a member
 - (2) Allegations of workplace violence
 - (3) Allegations of sexual or discriminatory harassment
 - (4) Allegations of biased policing in a member-initiated contact with the public
 - (5) Complaints made by the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission
 - (6) Any other complaint in which the commander of the PSS determines a full investigation is necessary to determine whether misconduct occurred
- D. Partial investigations shall be conducted any time a complaint containing allegations against a member does not require a full investigation.
- E. Process investigations shall be conducted when requested by the Director or a deputy director.

03-60-5 CRIMINAL INVESTIGATIONS

- A. Any complaint that includes a credible allegation that a member has committed a crime shall be investigated in the same manner as any other criminal complaint coming to the attention of a department member.
- B. An administrative investigation shall not be conducted while a criminal investigation is ongoing, except when authorized by the commander of the TAD.
- C. When an allegation of a crime is not already being investigated at the time the complaint is received, the commander of the PSS shall refer the matter to a district commander other than the district in which the accused member is assigned. The district commander to

whom the complaint is referred shall assign at least one investigator to conduct the criminal investigation.

03-60-6 CLOSING DISPOSITIONS

- A. Upon completion of a full or partial investigation, the commander of the PSS and other members of the PSS designated by the commander shall review the investigation to determine whether misconduct occurred.
- B. After the investigation has been reviewed, the commander of the PSS shall close the investigation with one of the following dispositions:
 - (1) Sustained: The accused member committed all or part of the alleged act(s) of misconduct.
 - (2) Not Sustained: The investigation produced insufficient information to clearly prove or disprove the allegation(s).
 - (3) Unfounded: The alleged misconduct was proven not to have occurred.
 - (4) Exonerated: The member's actions were justified, legal, and proper.
 - (5) Field Referral: The complaint involved alleged minor policy violations or improper job performance that would not result in a suspension and was referred to member's worksite commander for appropriate action in consultation with the Labor Relations Section.
 - (6) Administrative Closure: Corrective action may not be taken against a member as a result of the investigation for one or more of the following reasons:
 - a. The complaint was against an employee of another agency.
 - b. The complaint did not allege misconduct.
 - c. The complaint contained insufficient information on which to base an investigation.
 - d. The complainant refused to cooperate with the investigation and no other reasonable leads exist.
 - e. The complaint was withdrawn by the complainant and the department has no independent reason to continue investigating.
 - f. The involved member is no longer employed by the department.

These complaints are investigated and documented to create a record in the event a citizen later calls into question the department's response to their allegations.

- C. Closing dispositions are not subject to appeal and may only be changed by the commander of the TAD after a review of the investigation and upon a finding that the disposition was made in error. Reviews by the commander of the TAD shall only be conducted at the request of the Labor Relations Section, the Director, or a deputy director.
- D. Except when authorized by the commander of the TAD, all administrative investigations shall be completed and a closing disposition determined within 120 days of the complaint being received by the PSS unless a collective bargaining agreement requires completion within a shorter time period.

03-60-7 REQUIRED NOTIFICATIONS

- A. If the complainant is identified, the commander of the PSS or their designee shall provide the complainant with notification, in writing, that their complaint was received within seven days of receipt of the complaint by the PSS. The notification shall include a summary of the investigative process.
- B. If an administrative investigation is not concluded within 60 days of receipt by the PSS, the commander of the PSS or their designee shall provide the complainant status updates every thirty days until the investigation is completed.
- C. Once a closing disposition has been determined in an administrative investigation, the commander of the PSS or their designee shall make the following notifications within three business days:
 - (1) Non-member complainants shall be notified of the findings of the investigation and the closing disposition by letter, sent by mail or email.
 - (2) Member complainants, excluding commanders or supervisors who submit complaints against members in the normal course of their duties, shall be notified of the findings of the investigation and the closing disposition by email.
 - (3) Principals shall be notified of the closing disposition by the commander of the PSS or their designee by memorandum, sent by email or delivered by the principal's worksite commander.
 - (4) The Director, members of the leadership team, members of the principal's chain of command, and the Labor Relations Section shall be notified of closing dispositions in a manner determined by the commander of the TAD.

03-60-8 CONFIDENTIALITY OF ADMINISTRATIVE INVESTIGATIONS

- A. Members shall treat any internal affairs records with confidentiality. Such records shall not be released to or shared with, verbally or otherwise, to any person except as required or permitted by department written directives.
- B. Members shall not discuss active or on-going internal affairs investigations with any person, except those who have a legitimate, department-related need to have the information or records, such as union representatives. This does not apply to routine letters or email sent to citizen complainants notifying them of the status of an investigation.
- C. Members shall not discuss active or on-going internal affairs investigations with members of the media. Members shall immediately notify the commander of the PSS or their designee of all media inquiries, and the commander of the PSS shall refer media inquiries to the Communications and Outreach Division (COD).
 - (1) Members of the COD may share information with the media only after obtaining the necessary approvals, which may include consultation with the HRD, the Chief of Staff, or their designee.
- D. Records requested pursuant to the Freedom of Information Act or by legal process, including subpoenas and search warrants, shall only be released in accordance with department written directives.

Annual Review Responsibility: Transparency and Accountability Division
Accreditation Standards: CALEA 26.3.3, 26.3.4, 26.3.6, 26.3.8