	Matthews Police Department		
General Order: Internal Investigations		Section 02: Administrative Requirements	Order #: 02-07
Review: Annually in January by the Admin Division Commander		Issue Date: 09/13/2022 (Supersedes G.O. 02-07 dated 08/14/2020)	

I. PURPOSE:

The purpose of this General Order is to establish policies and procedures for accepting and investigating complaints against department employees – whether they be violations of departmental Rules of Conduct or the Personnel Policy of the Town of Matthews.

II. CROSS-REF:

G.O. 02-04 “Discipline”

G.O. 04-03 “Police Vehicle Accidents”

CALEA STANDARDS 26.1.4; 26.2.4; 52.1.1; 52.1.2; 52.1.3; 52.2.1; 52.2.3

III. DISCUSSION:

The Matthews Police Department (MPD) expects all employees to maintain professional standards in their conduct both while on and off duty, and observe all policies and procedures while carrying out their responsibilities. MPD will investigate complaints against employees to final disposition. MPD has the responsibility to identify and address employee behavior that discredits the department or impairs the department’s effective operation. Rights of the public and employees must both be preserved during any investigation.

IV. POLICY:

All complaints of improper or unsatisfactory performance against employees of the Matthews Police Department are documented by a department supervisor through the Benchmark Analytics software as either a Supervisory Note, Internal Affairs Investigation, or Complaint depending on the nature and severity of the complaint. The Supervisor may request any employee under his or her direction to give a written statement or furnish such assistance concerning the complaint as the Supervisor may deem necessary.

Complaints may be received in person, by telephone, or U.S. mail, or email, however personal contact must be made with the complainant before an official inquiry will begin. Information is provided to the public on procedures for filing or registering a complaint against, or commendation of, the Department or its employees through the Town of Matthews website.

Anonymous complaints against employees will be investigated if the information provided can be corroborated or the alleged conduct is of a nature that would indicate criminal conduct or conduct detrimental to the department.


When any allegation of criminal conduct by any employee of the Matthews Police Department is received, Administration Captain and the Chief of Police shall be notified immediately.

All complaints alleging a violation of Department/Town policy or a violation of law will be reduced to writing through the Benchmark Analytics software as a Supervisory Note, Internal Affairs Investigation, or Complaint.

V. DEFINITIONS:

- A. COMPLAINT - Any report, allegation, accusation or statement in which an individual describes a problem or dissatisfaction with the behavior or performance of any departmental employee or departmental policy/procedure from a source “EXTERNAL” or “INTERNAL” to the department.
- B. EMPLOYEE - Any person employed by the Town of Matthews Police Department, either sworn or civilian.
- C. GENERAL ORDERS - The General Orders of the Matthews Police Department, including all

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Special, Training or Personnel Orders issued.

- D. INTERNAL AFFAIRS INVESTIGATION – The administrative investigation of a Complaint by the Department.
- E. AT-FAULT TRAFFIC CRASH – Traffic crash where MPD Employee is the party responsible for the traffic crash.
- F. NON-FAULT TRAFFIC CRASH – traffic crash where the MPD employee is not deemed responsible for the traffic crash.
- G. LIEUTENANT – OFFICE OF PROFESSIONAL STANDARDS (OPS) – The Lieutenant assigned to the Administration Division responsible for intake, assignment and review of Internal Investigations. This Lieutenant is also responsible for Training Standards and State Certification Standards.
- H. SUPERVISOR NOTES – Notes field in Benchmark Analytics where supervisors document minor performance issues or complaints against their subordinates.

VI. TYPES OF COMPLAINTS:

Except as otherwise stated in this Order, ALL EXTERNAL COMPLAINTS REQUIRE documentation through Benchmark as either Supervisor Note, Internal Affairs Investigation, or Complaint.

The categories of Complaints the Department recognize for purposes of this General Order are the following:

A. **PERFORMANCE COMPLAINT:**

An expression of dissatisfaction or concern by a citizen that does not involve any violation of laws, ordinances, or General Orders, and lend themselves to *direct and immediate* resolution by the supervisor/command officer who speaks to the citizen. These should be documented as Supervisor Notes.

B. **EXTERNAL COMPLAINTS:**

A Complaint about a Minor Violation (as defined in this Order) of the Department's General Orders, ordinances, or laws which is brought to the attention of the Department by an individual outside of the Department which, if sustained, *usually* would result in administrative and/or disciplinary action not to exceed Summary Punishment. External Complaints are further divided into two distinct types:

a. **External Disciplinary Complaints:**


A "formal" Complaint, wherein the supervisor/investigator will conduct an investigation into the allegation(s) and determine if there has been a violation of orders, ordinances, or laws. (Documented in Benchmark).

b. **External Performance Complaints (Type B):** The supervisor has determined that the violation is such that the appropriate course of action is informal correction, guidance, and/or training and the matter will not result in disciplinary action; however, the incident will be noted for evaluation purposes in the employee's progress notes, Documented in Supervisor Notes and documented in their Performance Evaluations.

c. **External Disciplinary Complaints** may be handled by the first line supervisor or by the Office of Professional Standards (OPS). The

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initial complaint will be documented in Benchmark and forwarded to OPS for assignment.

C. INTERNAL COMPLAINTS:

A complaint about a minor violation (as defined in this Order) of the Department's General Orders, ordinances, or laws which either a supervisor or command officer has observed or otherwise has direct, personal knowledge about or that another employee of the Department has brought to the attention of a supervisor or command officer. Internally generated complaints are also further divided into two types:

a. Internal Disciplinary Complaints:

A "formal" Complaint, wherein the supervisor/investigator will conduct an investigation into the allegation(s) and determine if there has been a violation of orders, ordinances, or laws;

b. Internal Performance Complaints:

The supervisor has determined that the allegation/violation is such that the appropriate course of action is informal correction, guidance, and/or training and the matter will not result in disciplinary action; however, the incident will be noted for evaluation purposes

All internally generated complaints that will be formally investigated require documentation in Benchmark as an Internal Investigation. For complaints closed as performance issues supervisors will note the performance deficiency and retain that information to assist in the completion of performance evaluations. Notations should be documented in an employee's performance progress notes for documentation in their annual Performance Review.

Internally generated Performance Complaints are normally handled by the first line supervisor, and may be entered as a Supervisor Note or as an Internal Affairs Investigation depending upon the nature and severity of the complaint.

D. PROFESSIONAL STANDARDS COMPLAINTS:


A Complaint that falls under any of the following criteria:

- a. Allegations that on their face appear to involve a serious violation of the General Orders of the Department;
- b. Allegations of a criminal violation under the Ordinances of the Town of Matthews, N.C. law, or the laws of the United States;
- c. Investigations that it is believed will require a detailed, extensive investigation to determine the truth of the allegation.
- d. Any Complaint or special investigation designated by the Office of the Chief

VII. PROCEDURES FOR INVESTIGATION

- A. Investigations will be conducted under the authority of the Chief of Police. The OPS Lieutenant or Admin Captain will appoint one or more supervisors of the Department to assist in the investigation of citizen's' complaints when necessary.
- B. The OPS Lieutenant will determine if the complaint requires the investigation be conducted by the employees Supervisor, the OPS Lieutenant, or Admin Captain.

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- C. The Chief of Police or a Division Commander may require an employee to submit to a physical, drug, or mental exam, at the expense of the town, for the purpose of determining the ability to continue performance of duties of the officer under investigation.
- D. The Chief of Police or a Division Commander may require an employee to submit to a polygraph examination specifically related to the complaint of misconduct.
- E. Town-owned desks, lockers, rooms, storage spaces, computers, and other work-provided equipment are the sole property of the Town of Matthews and are subject to inspection at any time deemed necessary by the Chief of Police or his/her designee. Private property may be authorized to be stored in the above places, however privacy should not be expected nor assumed by the employee.

VIII. INVESTIGATION PRACTICES:

- A. Interviews shall take place at a location designated by the investigating supervisor. The interview will normally be conducted at a reasonable hour to account for the investigated officers or witness's schedule.
- B. Before the interview begins, the employee shall be informed of the nature of the allegations against him/her (i.e., whether the investigation is one of a criminal or administrative nature or whether that determination has yet been made) and provided a Notification of Investigation, if appropriate.
- C. The interview shall be of a reasonable period of time and periodic rest or meal breaks shall be allowed as reasonably required.
- D. When the employee is being interviewed in a **criminal investigation** (i.e., when he/she is under arrest or is likely to be the subject of a criminal prosecution as a result of the interview), or in an investigation where the criminal nature has yet to be determined, he/she will be advised of his/her constitutional rights prior to the start of the interview. In such cases, the employee cannot be disciplined for asserting his/her right to remain silent. He/she will be allowed to have counsel present during the interview, but only to counsel the employee and not to participate in the interview in any direct fashion.
- E. When an employee is being interviewed in an **administrative investigation**, he will be advised of his/her administrative rights which stipulate no information gained from his/her testimony may/will be used against him/her in criminal proceedings. The employee will also be advised he/she has **no right** to have counsel present during the interview. He/she will be advised he/she is compelled to answer all questions fully and truthfully and the refusal to do so shall lead to disciplinary actions against him/her. Deception/Lies during an administrative interview or investigation are grounds for termination.
- F. An employee who is subject of an administrative investigation may be suspended from duty, pursuant to the Personnel Policy of the Town of Matthews, if deemed necessary and appropriate for the safe and efficient operation of the department.
- G. An employee who is subject of an administrative investigation may be placed on administrative duty if deemed necessary and appropriate by the Chief of Police for the safe and efficient operation of the police department until such time that the investigation is concluded and any/all appropriate actions are taken pursuant to this policy. An employee placed on administrative duty may be restricted of duties, schedules, and equipment as deemed appropriate by the Chief of Police.

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- H. All Investigations should be completed and forwarded to the Chief of Police within 30 days of initial complaint unless special circumstances exist. All special circumstances must be approved by the Admin Captain or the Chief of Police.

IX. FINDINGS:

- A. The completed investigation will be classified as either:
- a. Exonerated - The allegation did occur but was legal, proper, and necessary.
 - b. Non-Sustained - The allegation did occur but facts were insufficient to demonstrate violation of policy or procedures by the employee.
 - c. Sustained - The allegation is supported by the greater weight of evidence.
 - d. Unfounded - The allegation is false or investigation provided no facts to substantiate the allegation.
- B. Once the investigation is completed, the investigated officer's supervisor will prepare the Disciplinary Recommendation Report after reviewing the investigation.
- C. Upon completion of the investigation, it will be forwarded through the Administration Division OPS Lieutenant and Captain for review. Upon review, the investigation may be sent back to the investigating supervisor for further workup as needed. Once the Investigation is approved through the ADMIN Division, the Investigation and the Disciplinary Recommendation report will be sent through the investigated officer's chain of command for review. The Chain of Command may also require further follow up or more information from the investigating supervisor. The chain of command review should also document their recommendations, if different from the recommended discipline.
- D. Once the investigation is completed, the investigation and Disciplinary report, the file will be forwarded to the Chief of Police. The Chief will review and submit his/her recommendation to the Town Manager's Office per Town Personnel Policy.
- E. All information in an administrative investigation considered confidential pursuant to N.C. G.S. 160A-169 shall not be released except pursuant to subpoena / court order or when the Town has been presented with a duly-certified 'Waiver of Release' provided by the employee.
- F. The complainant, if not a member of the employee's supervisory chain-of-command, shall not be apprised of the findings of the investigation except in those instances b request as allowed under N.C. G.S. 160A-169.

X. PROCEDURES FOR OTHER TYPES OF INTERNAL INVESTIGATIONS:

- A. Officer Involved Traffic Crash Reports
- Supervisors will investigate Officer Involved Traffic Crashes. Once the determination of fault is decided, only At-Fault traffic crashes will require an investigation to determine if the officers' actions were outside of departmental policy or law. These investigations will follow the procedures outlined in G.O. 04-03 "Police Vehicle Accidents" and will be documented in Benchmark as a Crash. The DMV-349 report for all At-Fault accidents should be completed by a supervisor except for below circumstances:
- a. For accidents inside the town that are believed to be an At-Fault accident which resulted in serious injuries or death, the supervisor should request either NCSHP or CMPD Traffic unit to complete the DMV-349. The on-duty



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Supervisor should begin the internal investigation through Benchmark as a Crash. If criminal violations or policy violations were factors, then an Internal Investigation should also be documented in Benchmark Analytics and the DMV-349 report attached.

Non-Fault traffic crashes will require a DMV-349 report from the local agency where the crash occurred. The Supervisor on duty should still be contacted in order to complete the Town of Matthews Supervisor's Accident and Investigation report found in Power DMS/Documents/Forms/Town Forms. If the crash is local to the Town or within the region, the supervisor should respond to the scene and photograph the accident and damage to Town property.

B. Use of Force Reports

Supervisors will investigate all Use of Force Reports. All Deadly Uses of Force which result in the death or serious injury of a person will be administratively and criminally investigated to ensure compliance with Departmental Policy and standards as well as Criminal and Constitutional Law. Otherwise, only Use of Force reports where it is deemed that the officer used excessive force will be reported as an Internal Affairs Investigation. Use of Force reporting/Investigations will be conducted by the on-duty supervisor prior to the end of shift. Each officer involved MUST complete a written/typed statement detailing the incident and justification for each use of force utilized. The officer's statement must be thoroughly detailed so as to allow for a complete recall of the incident in future court hearings.

XI. CONFIDENTIALITY OF INVESTIGATIONS:

1. All internal investigations and allegations against department employees are considered confidential personnel matters. **No material fact, statement, finding or other content of any internal investigation may be reproduced, disclosed, or otherwise divulged or released to anyone without the permission of the Office of the Chief.** Internal investigators and other persons in the review process will not allow access to or discuss information relating to the Complaint or investigation thereof with other Department employees nor anyone outside the Department other than those who have a lawful right to know and a bona fide need to know about a particular case. Persons having access to internal investigation information would usually include the Office of the Chief, Division Commanders, OPS personnel, supervisors of accused employees, transcriptionists, and the Town's Human Resources Department. Supervisors and command officers may be granted access to selected investigations as deemed appropriate by the Office of the Chief or the Commander of the Admin Division for official purposes.
2. All information in an administrative investigation considered confidential pursuant to N.C. G.S. 160A-169 shall not be released except pursuant to subpoena / court order or when the Town has been presented with a duly-certified 'Waiver of Release' provided by the employee
3. All Records pertaining to an internal investigation will be kept and stored in a locking file accessible only to the Chief of Police, Administrative Bureau Commander, and the Office of Professional Standards.

XI. Attachments

See Internal Investigation Flow Chart below:



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