



Pueblo County Sheriff's Office General Order Policies and Procedures Manual Pueblo County Sheriff's Office Section 4	
Part 15: Division of Professional Standards	Subject: Internal Affairs-Division of Professional Standards
Related CALEA Standards: 26.2.2, 26.2.3, 26.2.4, 26.2.5, 26.3.1, 26.3.3, 26.3.6, 26.3.7, 26.3.8 Related CALEA Communications Standards: 1.2.2, 1.4.1, 1.4.2, 1.4.4, 1.4.7, 1.4.8, 1.4.9, 1.4.10, 1.4.11, 1.4.12	

Authority

This policy is issued pursuant to Sheriff David J. Lucero's directive in which authority to manage and direct all activities is not delegated but certain activities related to investigations of employees is the responsibility of the undersheriff and inspector (rank of sergeant) and that it is implied that the inspector has full range of investigating all subordinates of the sheriff to include the undersheriff.

In all other matters of discipline these policies are designed to identify expectations of the office, supervision and investigation from an administrative view. In all matters where the possibility of loss of pay or rank where the sheriff has elected authority, statutory authority and leadership authority it is to be made known to the sheriff before the carrying out of any discipline that has a negative effect on pay or rank.

If in the event the sheriff is not available by statute the undersheriff has the authority to proceed. It is the responsibility of the undersheriff to notify the sheriff of any discipline that meets this criterion.

Purpose

The purpose of internal affairs is to ascertain in its purist form the facts, physical evidence and any information that would lead to a validated conclusion that a complaint against a member of the Pueblo County Sheriff's Office was either substantiated or not substantiated.

Policy

The office of the Sheriff created the Office of Professional Standards and Internal Affairs. Power and authority to investigate originates from the elected sheriff to the Office of Professional Standards so they may maintain the professionalism of the organization and to enhance the public trust of the citizens of the city and the county of Pueblo.

The Office of Professional Standards and Internal Affairs ensures that the Pueblo County Sheriff's Office members in the areas of the law enforcement bureau, detention bureau, emergency services bureau and administrative support services, communication, and civilians are practicing their profession at the highest level of integrity, ethics, values, and allows for a fair, impartial, objective investigation to be conducted when a complaint is lodged against a member of the organization. This will be performed by completing a diagnostic evaluation of the system, people, and outcomes.

It is the goal of the Office of Professional Standards to clarify and to present the facts of a case based upon all available information that can be accumulated.

The Pueblo County Sheriff's Office will make available public procedures regarding the office of Professional Standards/Internal Affairs. However, internal affair cases are considered personnel actions that are confidential

and shall not be released to anyone including the district attorney, public defender, or any judge without a court order directed to the sheriff himself. Complaints may be taken through the Sheriff's website, in person, by phone, or by mail.

All Internal Affairs Cases Will Be Kept in the Office of the Inspector for Security, Confidentiality and Safekeeping.

Authority and Responsibility of Internal Affairs

The Office of Professional Standards (Internal Affairs) shall have the authority to report directly to the sheriff.

<COM 1.4.2> <26.2.3>

The Internal Affairs Unit will investigate any Sheriff's Office matter deemed appropriate or necessary by the Sheriff, or Undersheriff or Bureau Chiefs.

Procedure

Confidentiality

- Members will not discuss or attempt to solicit any details of a matter under investigation.
- Internal Investigations will be treated in strict confidence. Information will be disseminated and used on a need-to-know basis only or in cases where dissemination would be for the good of the Sheriff's Office.
- When an investigation is forwarded through the chain of command for review, each reviewing member is responsible for maintaining the confidentiality and security of that investigation, to include storing it in a secure location.

Complaints Received Directly by Internal Affairs

The Internal Affairs investigator will complete a complaint receipt form and will deliver a copy to the Bureau Chief, Undersheriff, Sheriff and Bureau Captain and Civilian Supervisor of the member that is the subject of the investigation.

The complaint receipt form will be forwarded to the Undersheriff or Sheriff, who will determine if the complaint will be investigated by the Internal Affairs <COMM 1.4.1 b>, <26.3.1 b> or be sent through the chain of command to be investigated by the line supervisor. <COMM 1.4.1 a>, <26.3.1 a>

Complaints Assigned to Internal Affairs by The Sheriff or Undersheriff

Upon receipt of the complaint the Internal Affairs section division will assign an IA case number to the complaint. Written notification will be sent to the accused member, member's Bureau Chief Undersheriff Sheriff and Bureau Captain.

Written notification will specify the complainant's name, summons or case number, date of occurrence, Internal Affairs case number, a brief narrative of the misconduct allegations, and instructions for the member to schedule an interview with the Internal Affairs investigator.

In all cases an effort to notify the employee of the allegations will be given within 24 hours or more of an interview with the inspector, there will be occasional needs of the office to perform an immediate inquiry and those facts will be made known in writing.

The likelihood of valuable evidence being lost with notification, the possibility of danger to the office member, another member or any third person and the ability to bring immediate relief to the public or office can all be important variables when determining the timing of an interview.

Internal Affairs interviews will be conducted within a reasonable time frame, at the discretion of the Internal Affairs investigator.

The Internal Affairs Unit will provide written acknowledgement of the complaint to any complainant whose identity is known and who has not received a copy of the Complaint Receipt Form within five working days of receipt of the complaint.

The acknowledgment will contain the name of the supervisor who accepted the complaint, and the case number

assigned by Internal Affairs. If the investigation is not completed in 60 days a status report will be sent to the complainant.

If it has been determined that the complaint does not meet the necessary criteria for further investigation, i.e., violation of law, or policies or procedures of the office, the acknowledgment will state the grounds for dismissing the complaint.

Interviews

When directed to report to the Office of the Sheriff, Undersheriff, Chief or Inspector of Professional Standards, the employee will secure all weapons (Primary firearm, secondary firearm, taser, knife, and Oleoresin capsicum (OC), in the lockers provided in the reception area of the Emergency Operations Center (EOC).

The employee will secure all weapons after informing the front window staff member of the reason for the visit. The employee will wait in the reception area until escorted or called to the second floor.

All members involved in an investigation, either as an accused or witness, shall be required to submit written statements and/or to be interviewed. Prior to providing a written statement or submitting to an interview, the employee shall be required to waive his/her constitutional right against self-incrimination (Garrity vs New Jersey). Failure to provide a statement, submit to an interview, or waive their constitutional rights may result in termination.

Before interviewing any accused member, the employee will be given a Garrity Advisement Statement that he/she will read, have explained if necessary, and sign. In an interview with a member, the question shall be narrowly and directly related to the matter under investigation or in reference to a performance of duty issue.

1. A member may be ordered, at any time, to truthfully answer questions and cooperate with an internal investigation.
2. If criminal violations are apparent, the investigator will immediately suspend the investigation and advise the undersheriff.

Polygraphs

All members of this office must submit to a polygraph examination when ordered by the Sheriff, Undersheriff or designee. See Policy and Procedures: [42.5 Polygraph Examinations](#).

Searches

All members of the Pueblo County Sheriff's Office may be ordered to submit to the following:

- medical/laboratory examinations <COM 1.4.7 a> <26.3.6 a>
- photographs <26.3.6 b>
- audio and video recordings <26.3.6 c>
- blood test
- urine test
- participate in a photo lineup <26.3.6 d>
- breath test
- voice print
- handwriting exam
- photographs/fingerprints <COM 1.4.7 b>
- submit financial disclosure statements <COM 1.4.7 c> <26.3.6 e>
- submit other non-testimonial evidence tests, at any time.
- instruments of detention of deception <COMM 1.4.7 d>, <26.3.6 f>

These procedures will only be utilized if an item of evidence exists for comparison, or if the completion of these procedures will assist in establishing the guilt or innocence of the accused.

Refusal to submit can result in disciplinary action up to and including dismissal. If criminal prosecution of the employee is contemplated, the employee shall be entitled to counsel or other representation present were provided by law.

Expectation of Privacy

An employee's personal property shall not be subject to search and seizure without probable cause and a warrant where required by law unless personal property has been used to facilitate the official actions of this office.

Agency property, such as vehicles, work areas, stations or lockers, may be searched without consent at any time, even if assigned to or used exclusively by a single member. <COMM 1.2.2 d>, <COM 1.2.2 e>

All types of communication verbal or written correspondence to include telephones, computers, instant messaging, data storage devices and fax machines <1.2.2 c> produced and contained in all county devices is property of the county and therefore employees have no expectation of privacy.

Any communication refers to hard copy and electronic correspondence. <1.2.2 b> <6.8.4>

The detention center reserves the right to search all personal property entering into the secured areas of the jail.

The responsibility of monitoring and reporting violations of this policy rests with every member of this office. Supervisors should conduct random inspections of communication devices found within their areas of operation.

The inspector is directed to conduct inspections of county owned communications devices in conjunction with established audits and office inspections.

Office communication facilities may be monitored at any time, under conditions permitted by law. Other communications or conversations may be monitored at any time, under conditions permitted by law. The detention center reserves the right to search all personal property entering into the secured areas of the jail.

Office communication facilities may be monitored at any time, under conditions permitted by law. Other communications or conversations may be monitored at any time, under conditions permitted by law.

All employees, regardless of rank or position, shall be subject to drug testing for reasonable cause. Reasonable suspicion means an articulable belief based on specific fact and reasonable inferences drawn from those facts.

The term "Cause" is synonymous with the term "reasonable suspicion." A member may also be required to be photographed, to participate in a line-up, and/or submit a financial disclosure statement when the actions are material to a particular investigation being conducted by the Office. In the event a member refuses a direct order regarding the above, they are subjecting themselves to insubordination and it may result in termination.

Conclusions of the Investigation

Complaints will be completed in 60 days. If circumstances arise that the complaint cannot be completed in 60 days a memo will be sent to the Sheriff requesting an extension. <COM 1.4.4> <26.3.3>

The complaint will be classified as one of the following and requires a conclusion of fact for each investigation into allegations of misconduct: <COM 1.4.9> <26.3.8>

1. **Unfounded:** The allegation is false and not factual. Misconduct did not occur. There are disinterested witnesses or other facts that prove that misconduct did not occur.
2. **Not Sustained:** Evidence is insufficient to clearly prove or disprove the allegation. There are no disinterested witnesses, and the allegation cannot be proved or disproved.
3. **Exonerated:** Investigation disclosed that the act complained of did occur, but that it was justified, legal and proper. There is no dispute over the fact that the act did occur, or there is sufficient evidence to prove that the act did occur, and there was no policy violation.
4. **Sustained:** Investigation established that misconduct did occur, and the allegation is supported by sufficient evidence. There are disinterested witnesses or other facts proving the allegation(s).
5. **Misconduct not Based on Complaint:** During the review of an investigation, a supervisor discovers a sustained policy violation unrelated to the complainant's original allegation(s).

6. **Closed by Mediation:** The Bureau Chief or Undersheriff suspended Investigation in the case, and the underlying issues were resolved in a structured meeting between the involved employee(s) and complainant. Cases that are successfully mediated are closed without one of the above formal classifications being assigned.

Upon conclusion of an investigation conducted by Internal Affairs, the members (employee/ volunteer) captain will be given the findings and in a timely manner the member's captain will render a recommendation of discipline, those findings will be given to the bureau chief who will submit recommendations. Discipline up to written reprimand can be carried out by the bureau chief.

The member has the ability to explain their actions to all levels and is compelled to testify as to their actions by interview at all levels, unless this appearance is waived by the administrator with whom the complaint has reached, and this is documented as to reason.

In all cases where discipline has been recommended that includes any pay loss, demotion or other remedy with a potential for pay loss is recommended, the entire document is to be submitted to the undersheriff.

The undersheriff has the ability to diminish or enhance discipline or to re-direct investigative efforts and re-open the incident. Only the sheriff can approve the loss of pay, the demotion or the recommended termination of the employee or affected member (volunteer).

Lower forms of discipline such as counseling or documented verbal warnings can only be appealed to the bureau chief of the affected member.

Accused members will be notified in writing at the conclusion of the investigation. The complainant will be notified in writing upon conclusion of the investigation. Complainants will be informed only of the disposition; specific disciplinary action will not be revealed.

Records

Records of all complaints that result in an Internal Affairs Investigation will be stored securely to protect the confidentiality and security of the records. Records are stored in a locked file cabinet within the Internal Affairs Section. <COM 1.4.10> <26.2.2>

All investigations will be considered confidential. Members will not be authorized to review these investigations.

Active members may inquire as to their own internal affairs history. They will be provided the following information:

1. Date of the Investigation
2. Case number
3. Allegation
4. Findings of the Investigation
5. Disciplinary action received, if any

False Complaints

This office provides a means of filing truthful, factual and complete complaints against members. However, this Office simultaneously seeks to hold members of the public accountable for the filing of false and malicious allegations against sheriff's office members.

This office reserves the right to initiate legal proceedings against the complainant.

Relief from Duty

Any supervisor has the authority to impose relief from duty for an employee until the next business day, when it appears that such action is in the best interest of the office and/or the community. When the employee is relieved from duty, pending the outcome of the investigation. The supervisor will immediately notify the employee's Bureau Chief of the details surrounding the relief. <COM <1.4.8> <26.3.7>

Members under an Internal Affairs Investigation will not be eligible for modified duty. Upon the conclusion of the investigation, eligibility for modified duty will be at the discretion of the Sheriff.

Suspension or Discharge

Any captain, bureau chief or the undersheriff may authorize suspension of a Sheriff's office member. The Sheriff is the only person who has the authority to discharge a member from duty.

When a sheriff's office member is suspended or discharged the member shall surrender their agency issued service handgun, if any, and credentials, including his/her badge, identification card, building access keys, electronic key fob, and any other requested agency items immediately.

The supervisor will direct the sheriff's office member to not engage in law enforcement activity; to include law enforcement related extra-duty employment.

The supervisor will direct the sheriff's office member to be immediately available either in person or by telephone between the hours of 8 AM to 5 PM, Monday through Friday, until otherwise directed by division captain.

Statistical Reports

The Office of Professional Standards will compile an annual statistical report based upon records on internal affairs investigations. These reports shall be made available to Sheriff's Office employees as well as the public. <COM 1.4.11> <26.2.5> <COM 1.4.12>, <26.2.4>



By Order Of The Sheriff