


DPS STANDARD OPERATING PROCEDURE

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|  | SUBJECT: INTERNAL AFFAIRS- PROFESSIONAL STANDARDS DPS SOP 2010-07 | SECTION: ALL | DISTRIBUTION: ALL PERSONNEL |
| | ISSUING AUTHORITY: CRAIG A. STONE ASSOC. V.P. & CHIEF, CAMPUS SAFETY AND EMERGENCY MANAGEMENT SERVICES (ELECTRONICALLY SIGNED) | EFFECTIVE DATE: MARCH 24, 2010 REVISED DATE: AUGUST 21, 2024 | SUPERSEDES: |

Internal Affairs - Professional Standards

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REFERENCES:

- Syracuse University Dept. of Human Resources Bargaining Unit Grievance Process
- SOP 2006-12 Duty Manual
- SOP 2011-52 SPD/DPS Authorizing Memorandum of Understanding
- SOP 2010-20 Harassment and Discrimination in the Workplace
- SOP 2010-22 Disciplinary Procedures
- DCSES SOP 2015-02 Threat Assessment and Management
- *Citizen Complaint Form
- *DPS Internal Affairs Administrative Rights Notice
- *DPS Citizens Complaint/Allegation Employee Notification Form
- *DPS Internal Affairs Right to Representation Notice
- *DPS Internal Affairs Acknowledgement of Miranda Rights
- *DPS Internal Affairs Investigation Checklist *All Forms maintained in the Forms File on the G Drive
- Agreement Between Syracuse University and the Syracuse University Department of Public Safety Officers

ATTACHMENTS: None

I. APPLICABILITY: This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) employees.

II. PURPOSE: The purpose of this policy is to ensure the timely, appropriate handling and investigation of internal affairs/professional standards issues and Quality of Service (QS) complaints. The goal of this policy shall be to correct deficiencies in policies and procedures, detect and deter personal misconduct, instill confidence in citizens regarding the integrity of the department and its personnel and to make the DPS a better functioning organization.

To a large degree the public image of our agency is shaped and maintained by the quality of the internal affairs/professional standards function in responding to and demonstrating the agency values when allegations of malfeasance of the DPS as an agency, or the personal misconduct of our employees come to our attention. Like many mid-sized agencies the DPS has no specialized Internal Affairs/Professional Standards Unit, and the IAD function is accomplished by supervisors at all levels of the agency through informal QS complaints as well as formal IA handling of complaints with more serious matters assigned by or to the Chief.

III. POLICY: It is the policy of the DPS to accept and investigate all complaints in a thorough and timely manner, including anonymous complaints. Members shall know and comply with all rules of conduct, regulations, procedures and directives established under the authority of the Chief and published in the DPS Duty Manual (SOP 2006-12) and other written directives.

The formal investigation of those complaints will report a finding. When department members are found to have conducted themselves improperly, or when policies/procedures were in some way deficient, a remedy must be defined and applied in a timely fashion.

When the DPS receives a complaint regarding another agency the DPS will assist the person in making contact with a proper representative of the agency believed to be the subject of the complaint. **(4.2.1) (26.1.1) (26.2.1)**

IV. DEFINITIONS:

- A. Complaint: A report of dissatisfaction by any person directed at an employee's conduct or department order, procedure, or service.
- B. Complainant: Any person who initiates or otherwise forwards a complaint as defined in this SOP.
- C. Employee: All sworn officers, Fire and Life Safety Services (FLSS) members, NYS security guard status employees, and civilian staff whether full-time, part-time, or temporary.
- D. Duty Manual: This refers to those departmental rules and regulations which each employee receives, which are made available electronically and as a printed reference and which were established and codified in the Standard Operating Procedure 2006 -12 Duty Manual.
- E. Investigation: An official inquiry into an allegation of employee misconduct for the purpose of identifying offenders or gathering evidence.
- F. Malfeasance: Knowingly performing an act that should not be done.
- G. Misfeasance: Performing a lawful act in such a manner that the rights of a third party are infringed upon.
- H. Nonfeasance: Failure to perform a required duty.
- I. Personnel Early Warning System: is the name for the DPS Administrative process tracking and evaluating potential problem behavior patterns developing in DPS employees and of remedial actions taken. This system requires a report of employees exhibiting what appears to be an escalating pattern of incidents and problem behaviors.
- J. Quality of Service: The ability to provide law enforcement services in compliance with laws, policies and procedures that meet or exceed the expectations of the community.

V. PROCEDURES: Complaints against Personnel / Internal Affairs Investigations:

- A. **Administration**: The Chief of Campus Safety and Emergency Management Services or designee will delegate each Internal Affairs/Professional Standards investigation to either a supervisor or a command-level officer depending on the seriousness of the allegation. **(4.2.3)**
 - 1. The Deputy Chief for Law Enforcement and Community Policing is Delegated In-Charge of DPS Internal Affairs/Professional Standards Functions: Confidential internal affairs investigations are to be overseen and reports of those investigations are to be filed in a secure location, maintained by the Commander of Administrative and Operational Support, under the control of the Deputy Chief for Law Enforcement and Community Policing, who reports directly to the Chief.
 - 2. The supervisor, or command-level officer, assigned to each investigation will have direct access to the Chief.
 - 3. Citizen Access to Complaint Process: **(4.2.4) (26.2.4)** The DPS has clearly stated the method for initiating a complaint against a DPS employee on the DPS web page,

the Fire and Life Safety Services webpage, and in Public Safety brochures, and that the reception of the complaints process is also conveniently available via telephonic, walk-in or by electronic means.

Citizen Complaint Forms (Maintained in the Forms Folder on the G Drive) are available at the Emergency Communications Center (ECC), the reception desk for walk-in complainants, the reception area at Fire and Life Safety Services, and as an electronic form on the DPS and Fire and Life Safety Services Web Page under "Feedback". Patrol Sergeants and other supervisors are both trained and tasked with professional complaint reception duties for persons appearing at the DPS.

B. Complaint Categories: (4.2.6 a, b)

1. Quality of Service Complaint: A complaint that alleges failure to supply services that meet the expectations of the complainant although laws, policies and procedures have been followed. Examples include alleged acts of rudeness, discourtesy, unprofessional conduct, sarcasm directed towards another person, poor attitude, or a rude and insulting demeanor as described in the DPS Duty Manual. Quality of Service complaints may be handled by a line Supervisor.
2. Category 1: A complaint that alleges misconduct by an employee in failing to follow policies and procedures. Examples include insubordination, inattention/neglect to duty, minor V&T laws. Typical Category 1 complaints shall be investigated at the Commander/Manager level as assigned.
 - a. In some instances, after being reviewed by a Commander/Manager a Category 1 complaint may be reassigned back to a Supervisor for investigation.
3. Category 2: A complaint that alleges that an employee committed an act that violated the law with the exception of minor Vehicle and Traffic Law violations. Category 2 complaints will be investigated by a Commander/Manager or above as assigned.
 - a. In cases involving allegations of violations of the law, the Chief will make the determination whether to forward the investigation to another law enforcement agency.

C. Duties & Responsibilities of DPS Employees: Complaints Against DPS Personnel: (26.2.1) (26.2.4)

1. Report all Complaints: Any employee receiving knowledge of any complaint, including anonymous complaints against a DPS employee's handling of a matter shall determine the facts of the complaint and forward it to a Patrol Sergeant, FLSS Supervisor, Commander or other unit supervisor. The Supervisor will make notification to the Deputy Chief for Law Enforcement and Community Policing (and cc the Commander of Administrative and Operational Support), who will make notification to the HR Liaison.
 - a. Every DPS member will assist a citizen who wishes to make a complaint by directing them to the appropriate Supervisor, Command Officer, or Duty Officer.
 - b. A complaint from a citizen will be recorded on a Civilian Complaint Form (Forms Folder on G Drive). The form whenever possible should be completed by the complainant in his/her own handwriting.

- c. When one DPS employee is making a complaint against another DPS employee (internal complaint) the complaint will be reported using an Inter-Departmental memorandum, or the employee may choose to make the complaint through the office of Human Resources.
 - i. The Office of Human Resources will notify the Chief of Campus Safety and Emergency Management Services if a DPS employee is making a complaint against another DPS employee.
 - d. A higher-ranking member shall generally receive complaints about a member holding the rank of Sergeant/Detective/Supervisor or above.
- 2. Cooperate with Investigation: All employees will cooperate fully with every DPS supervisor/command officer or any employee from the University's Department of Human Resources conducting an investigation.
 - a. Any member of the Department, regardless of rank or position, who has knowledge of circumstances surrounding a complaint or any information regarding misconduct by any member will immediately submit a written report to his or her immediate supervisor.
- 3. Confidential Process: Departmental members will refrain from communicating information regarding a departmental Internal Affairs/Professional Standards or University Human Resources investigation unless specifically authorized.
- 4. Nothing in this policy shall contradict or mitigate any existing Syracuse University policy or other employee protection promulgated by the University's Human Resources.

D. Matters Requiring Immediate Notification of the Chief: (4.2.7) (26.3.2)

- 1. Supervisors and command officers will ensure that the Chief of Campus Safety and Emergency Management Services, through the Duty Officer, is promptly apprised of serious complaints lodged against department members, or a department member's involvement in incidents involving, but not limited to:
 - a. Any arrest of a department member.
 - b. Any suspected or alleged criminality occurring either on or off duty.
 - c. Any serious departmental infraction.
 - d. All use of force accusations.
 - e. Any allegations of improper use or display of a weapon.
 - f. Any time a departmental member is relieved from duty.
 - g. Accusations relative to serious misconduct, malfeasance or misfeasance.
 - h. Accusations of sexual harassment.
- 2. Notification Option for Less Serious Complaints: Any other notifications to the Chief relating to other less serious complaints can be made in a less immediate manner at the discretion of a supervisor or Duty Officer. The Chief will be notified at a minimum, on all category 1 and 2 complaints.

E. Duties and Responsibilities of Emergency Communication Center Employees:

Individuals calling the ECC to lodge a civilian complaint against a DPS officer or other DPS employee will be handled courteously. The ECC employee will not ascertain any

facts of the complaint from the caller. The caller will be advised that they can speak with a supervisor and asked for contact information. The appropriate on-duty supervisor will then be contacted and provided with the call back information.

1. Minimal CAD Entry: If the caller is unwilling to talk with a supervisor, or if they state that they would like to remain anonymous, they will be provided with information on how to access the online feedback form and an entry will be made in CAD noting that a **Citizen Complaint** was received and the complainant chose to use the feedback form. If the caller does want a call back from the supervisor, the ECC employee will make a CAD entry labeled "citizen complaint" and will fill out the caller's name and phone number and notify the on duty supervisor and relay the name and number of the complainant.
2. Citizen Complaint Form: (4.2.4) (26.2.4) A Complainant who appears at DPS Headquarters or the FLSS Office in person will be given a civilian complaint form printed off the G drive. The complainant is to be encouraged to fill out the form and to submit it immediately. A supervisor will immediately be called to the ECC or FLSS Office to interview the person.
 - a. The Citizen Complaint Form is available electronically on the DPS Web Page, or the FLSS Web Page, under "Feedback". If the complainant wishes to submit the form on line they can be directed to the webpage address where they can submit the form by completing it and hitting the "Submit" button on the form.
 - b. The completed electronic form will automatically be submitted, via a DPS Email, directly to the Chief and the Deputy Chief for Law Enforcement & Community Policing, the Commander of Administrative and Operational Support or the Fire and Life Safety Services Manager.
3. Supervisory Notifications: Notifications of all complaints relative to a DPS employee's behavior or service will be as follows in descending order if the initial choice is not available:
 - a. Patrol Sergeant or applicable unit supervisor or Commander
 - b. Deputy Chief
 - c. Duty Officer (After Business Hours)
 - d. If the complaint is about a supervisor, the manager responsible for that supervisor or the Duty Officer will be notified.

F. Duties and Responsibilities of the Receptionist at Walk up Window:

1. Individuals appearing at the Walk-up Window or FLSS Office to lodge a civilian complaint against a DPS employee will be handled courteously and briefly interviewed to establish the nature of the inquiry.
2. A Patrol Sergeant or other supervisor present will be requested by the receptionist to complete the interview and take whatever steps must be taken to resolve or investigate the matter.

G. Internal Affairs Complaint Investigative Protocols: Supervisors assigned a complaint against a DPS employee shall immediately initiate, conduct, and document all the steps taken and persons interviewed during a preliminary investigation to include:

1. Handling Complaints Involving Department Policy/Procedures: A supervisory or command member who receives a complaint directly or has been directed to investigate a complaint may:
 - a. Attempt to mediate the issue in the event the complaint relates to the proper execution of a departmental policy or procedure.
 - i. The supervisor/command member may explain the policy/procedure to the complainant and if after the explanation is completed, the complainant is satisfied and the matter resolved, no report is necessary.
 - ii. In this case, the attendant circumstances should be added to the CAD notes in the event an incident number was generated.
 - b. If the matter is not resolved, or if the complaint pertains to an issue other than a policy or procedural issue, the supervisor/command member shall request the complainant to complete and sign a Citizen Complaint Form.
 - i. Arrangements shall be made to provide the complainant who signs a Department Complaint form with a copy of the form and his/her affidavit, upon request.
2. Employee Notification **(4.2.10) (26.3.5)** Unless it would compromise an investigation, upon receipt of a citizen complaint and the initiation of an investigation, the investigating supervisor will notify the employee, in writing, that a complaint is being investigated as soon as is practical. The employee will be notified in regards to the nature of the complaint and associated circumstances, and their rights and responsibilities in this matter.
3. The Employee will be provided: **(4.2.10) (26.3.5)**
 - a. A Employee Notification Form detailing the allegations of the complaint and a reference to corresponding Duty Manual violations, if appropriate.
 - b. The employee's rights and responsibilities in the investigation, according to departmental rules and regulations, employee collective bargaining agreement and University Human Resources Policies.
 - c. In the event that the complaint stems from an alleged crime or serious infraction, the employee will be advised of the member's administrative (Contractual) rights and their rights against self-incrimination
4. Personal Interviews of Complainant: Once it has determined to begin the investigative process it is preferable to conduct interviews with the complainant in person if the complainant is in the Syracuse area, to personally observe the person's condition, behavior and statements made regarding the matter.
5. Written Statements: Supervisors should take written affidavits from complainants, even if a complainant is suspected to be intoxicated or impaired at the time of the interview, as those facts may later be found relevant to the investigation.
 - a. The affidavit (preferably in the complainant's own handwriting) should contain details of the complaint and the names and roles of witnesses.

- b. An intoxicated/impaired complainant should be re-interviewed at a later time (i.e. when he/she is sober) and any discrepancies should be noted in the investigation report.
6. Locate and interview available witnesses: Interview known or reported witnesses as well as those individuals at the scene who claim to have no knowledge of the issue under investigation and might well have witnessed the matter as alleged.
7. Identify DPS members involved. Arrange for private interviews of each member and request a memorandum from each regarding their knowledge and actions taken regarding this matter.
8. Evidence: Collect any evidence pertinent to the complaint.
9. Take Photographs: Photograph the scene and/or the complainant, to document injuries or damage alleged or visible.
10. Medical Examination: Initiate an appropriate medical examination or treatment and advise the medical staff to document and treat claimed injuries, both in narrative format and in examination reports and if possible and relevant, with photographs.
 - a. Obtain an authorization for release of medical records from the injured party, when appropriate.
11. Process the Scene: Neighborhood canvasses for witnesses and/or individuals who claim or affirm they have no knowledge of the incident (document all information received).
12. Collect and Include DPS Reports and Log Entries: Collect relevant information including all reports relating to the incident, officer's log sheets, prior history of the complainant, etc.
13. Sustained Allegations: If there are sustained allegations, the investigator will review the disciplinary history file as well as any prior commendations and mentions of exceptional performance relating to the involved member and, when requested, make a recommendation as to disciplinary action.
14. Uncooperative Complainant: Investigation and Reporting: If the complainant will not cooperate with the DPS investigating officer for a preliminary investigation, the supervisor/command officer shall fully document his/her attempt to interview the complainant and shall conduct an otherwise complete investigation and report of the matter alleged as may be possible through witness interviews, inspection of the scene of the incident and the gathering of possible evidence.

H. Role of the First Line Supervisor:

1. It is recognized that first line supervisors routinely have the best opportunity to observe employee conduct and detect instances where training, counseling, or corrective discipline might be required. Supervisors are responsible for making decisions as to when disciplinary interventions are warranted for the conduct of members under their immediate or indirect supervision. A supervisor's responsibility to initiate actions includes any complaints they become aware of involving all DPS employees.
2. Unless there are extenuating circumstances, it is the general policy of the DPS that when personnel investigations are conducted by a command member other than a member's first line supervisor, that at some stage of the investigation the

employee's first line supervisor will be interviewed. This interview is to obtain both direct and background information of value to the investigation, and to inform the supervisor that a member of their command is subject of an internal investigation.

3. This investigative contact with the first line supervisor is expected to identify any relationship to or prior contact with, the complainant. It is also to seek relevant employee performance history, and conduct, including related prior informal discipline with a possible bearing on the complaint.

I. Duties and Responsibilities of the First Line Supervisor:

1. Receive All Complaints: Supervisors will receive, record, and gather the facts necessary to make a decision to cause a formal investigation of any and all complaints they become aware of regardless of whether the complaint is generated from an external, internal, or anonymous source
2. Handle Referrals from the ECC or Receptionists: First Line supervisors and Patrol Sergeants will be given referrals from the Communications Officers or person acting as the Receptionists of matters amounting to complaints against DPS personnel for them to handle.
3. Immediate Supervisory Contact and Assessment: Supervisors will conduct an immediate investigation at the time the complaint is originated to determine the nature of the complaint. If that process includes an interview with the complainant, supervisors are to make note of the complainant's emotional and physical condition, including any apparent indications of intoxication or impairment.
 - a. When the seriousness of the matter warrants immediate notification of a command officer no further contact with the complainant will be made unless directed to do so.
4. Take Written Statements: Supervisors should take written affidavits from complainants to establish the facts and boundaries of the complaint investigation. If a complainant is suspected to be intoxicated or impaired at the time of the interview the interview process should continue. It is noted that a witnesses' physical and emotional condition is often relevant to the investigation.
5. Investigate Complaints Against Personnel if Assigned:

First Line Supervisors may be assigned to investigate allegations of employee misconduct and to make recommendations involving members of their command if the alleged offense is:

 - a. Non-criminal in nature; or
 - b. Alleges a non-serious violation of department rules, regulations, or procedures
 - c. A Quality of Service complaint.
6. Handling Service Inquiries & Minor Infractions: When the infraction or action taken by the employee has not significantly impeded effective departmental operations the supervisor is authorized to take immediate corrective action in the form of a supervisory conversation and if appropriate, a conversation form may be prepared and filed in the individual's employee development folder recording the facts of the event.

7. Report the Receipt of a Complaint Against Personnel: If, in the judgment of the First Line Supervisor, the nature of the complaint is beyond a routine service inquiry, the First Line Supervisor is to initiate a formal report of a complaint against the member and to insure that the complaint/matter is entered into the DPS Internal Affairs/Professional Standards Log.
8. Serious Matters: In those instances where a supervisor believes that disciplinary action, if substantiated, would warrant more than a written reprimand, the investigation will most generally be conducted by a command-level member designated by the Chief. Consideration is to be given regarding the necessity to notify the Duty Officer or the Chief of the matter reported.
9. Minor Discipline Anticipated Relating to a Complaint: If the supervisor believes that the misconduct falls within the category of an informal complaint, or if substantiated would necessitate only an oral or written reprimand as disciplinary action, an investigation will be initiated and conducted by that supervisor in accordance with union contract discipline procedures if applicable, unless advised otherwise.
 - a. At any point in the investigation the supervisor is encouraged to discuss the matter with a command member if there are any questions or concerns with how to proceed with the investigative process or report.
 - b. The Investigative report and related documentation will be forwarded to the Chief through the established chain-of-command.
 - c. The supervisor, after stating their finding, may be directed to make a recommendation as to formal discipline, counseling or remedial training.

J. Duties & Responsibilities of Command Members (Deputy Chief, Commanders and FLSS Manager) :

Command Members may be expected:

1. To Investigate Matters Assigned: Command members may be assigned by the Chief to conduct the investigation of a serious complaint.
2. Supervisory Duties: Supervisors are expected to:
 - a. Be a resource to assist and advise subordinate supervisors assigned to investigate an internal affairs/professional standards matter.
 - b. Review and approve investigation reports and findings.
 - c. Forward the completed reports to the Deputy Chief for Law Enforcement and Community Policing, and cc the Commander of Administrative and Operational Support, in a timely fashion.
3. May be Responsible to Conduct Follow-up Investigations: Command Members may be responsible for conducting follow-up investigations and to make recommendations on matters involving supervisory members of their command holding the rank of Patrol Sergeant, FLSS Supervisor, or above as assigned by the Deputy Chief of Law Enforcement and Community Policing.
4. Option to Investigate: Additionally, command members may, at their discretion, choose to recommend to the Chief that they personally investigate any complaint as opposed to delegating the complaint to a first line supervisor.

5. **Specific Examinations: (26.3.6)** Internal affairs investigations may require that a employee submit to certain specific examinations. Examples include, but are not limited to, medical, psychological, laboratory and polygraph examinations, breath, blood and urine test analysis, in person line-up with the member participating, photographs of the employee, and the disclosure of financial or personal records. The scope of the demand for information, or for submission of person for testing or examination must be directly and narrowly related to the particular investigation. If the internal affairs investigation pertains to alleged criminal conduct, search warrants or court orders may be necessary before examinations are conducted.
 - a. In determining whether to order a test or examination the Department will balance an employee's reasonable expectations of privacy from unreasonable intrusions against the Department's interest in assuring the integrity and fitness of its employees.
 - b. The Department will not order any test or examination of an employee solely on the information of detainees or anonymous sources unless the information is corroborated by reliable and credible sources or objective evidence.
6. If the internal affairs investigation pertains to alleged criminal conduct, search warrants or court orders may be necessary before examinations are conducted.
 - a. The express authorization of the Chief of Public Safety shall be obtained prior to requiring a employee to submit records, photographs or his person for testing or examinations. Where a decision is made to test or examine, the employee will be given a direct order to submit to the test or examination. The order to submit to a particular test or examination, other than verbal or written inquiry, must be based on reasonableness and specific circumstances, tailored to articulable facts. Additionally, the scope of the demand for information, or for submission of the person for testing or examination must be directly and narrowly related to the particular investigation. An employee of the Department may be ordered to submit to testing or examination only in the case of Category 2 Complaints as defined above.
 - i. Examinations ordered by the Chief of Public Safety shall be conducted at department expense.
 - ii. A employee under investigation may request that examinations be conducted when the employee believes such actions would be beneficial to his defense. Such requests shall be submitted in writing to the Chief of Public Safety. Authorization for such examinations shall be at the discretion of the Chief of Public Safety.
 - iii. Employees shall be provided with copies of the results of all examinations in which the member participates.
 - b. Medical examinations must be performed under the supervision of a licensed physician. These tests may involve the taking of blood, body fluids, removal of body hairs or fingernail clippings and scraping. **(26.3.6 a)**
 - c. A licensed psychologist selected by the department shall conduct psychological examinations. The Chief of Public Safety may order a psychological examination to be initiated when a member: **(26.3.6 a)**

- i. Exhibits behavior that may be indicative of severe emotional disturbance.
 - ii. Receives repeated complaints of a similar nature.
 - iii. Receives complaints that are sustained.
- d. Polygraph examinations may be ordered and their results may be utilized during internal affairs investigations: **(26.3.6 f)**
 - i. When a polygraph is used, the subject member shall be informed of the questions to be asked prior to taking the test. The polygraph examiner may add questions of his choice, but these questions will be common in nature and not related to any other incident.
- e. Breath test analysis for alcohol shall be conducted by a breath test operator certified by the New York State Department of Health. **(26.3.6a)**
- f. A employee may be required to submit to participation in an in-person identification line-up. **(26.3.6 d)**
- g. Photographs may be taken of the member to show to complainants or witnesses. **(26.3.6 b)**
- h. Audio and/or video recordings may be taken of the employee to show complainants or witnesses. **(26.3.6 c)**
- i. Employees may be required to submit financial statements or other personal papers which are specifically and narrowly related to active internal affairs investigations. **(26.3.6 e)**
- j. The Department reserves the right to inspect and search all University property, as well as each employee's personal property on University premises, for alcohol and drugs. No employee shall refuse to submit to, or otherwise impede, any inspection or search.

7. Employee Rights if Ordered to Undergo Tests or Examinations Due Complaint

- a. An employee of the Department ordered to submit to testing or examination will be advised of their right to consult with a union representative prior to undergoing the test or exam. Reasonable efforts to assist the employee in contacting a union representative, if the employee desires, shall be made.
- b. Prior to being ordered to undergo any test or examination, the employee shall be informed of the reason for the test or exam, given a statement of the factual basis of the reasonable suspicion, including a description of the specific incident, conduct or activity being investigated that gave rise to the test or examination being ordered.
- c. An employee's refusal to submit to ordered testing or refusal to cooperate in all aspects of the testing procedures or examination shall be communicated to the Chief and may subject the employee to suspension and disciplinary charges in accordance with the CBA between Syracuse University and the Union, Syracuse University policies, DPS SOPs and/or the MOU between Syracuse Police Department and Syracuse University Department of Public Safety.

- d. Chain of custody documentation for any specimen obtained from the employee being subjected to testing and examination shall be maintained from receipt to destruction. The employee and their union representative shall be permitted to be present to observe the sealing and tagging of the specimen containers.
- e. Throughout all aspects of these procedures, including transportation to and from any test or examination and the actual testing or examination, every reasonable effort must be made to ensure the dignity and privacy of the employee. All reasonable efforts shall be made to avoid public attention, and these procedures shall be carried out as discreetly as reasonably possible.
- f. When the Chief receives written reports of any tests or examinations performed, a copy shall be forwarded to the employee who was tested or examined.
- g. When any test or examination is inconclusive or exonerates an employee, the request for testing, as well as the results and other documentation relating to the testing will not be used against the employee in subsequent disciplinary proceedings.
- h. Nothing herein shall be construed to limit an employee's ability to make a complaint to the appropriate authority regarding false accusations or violation(s) of this SOP.
- i. At the conclusion of any testing or examination, the employee may be suspended in accordance with the collective bargaining agreement if the facts independent of the test or examination results justify said suspension.

K. Report of Investigative Findings to Employee and Complainant: Conclusions of Fact: (4.2.11)

- 1. It is required that each internal affairs investigation include a "conclusion of Fact" for each allegation of misconduct.
- 2. After the completion of an internal affairs/professional standards investigation into a serious allegation and upon approval of the recommended finding (disposition) by the Chief, the involved employee will be advised in writing of the disposition and possible sanctions by either the Deputy Chief of Law Enforcement and Community Policing or designee.
- 3. After an investigation of a complaint is found to be a minor infraction investigated by a first line supervisor, and with disciplinary recommendations approved, the employee should be notified by that supervisor or someone in his/her chain-of-command.
- 4. Communications with Complainants: Complainants are to be contacted to confirm receipt of complaint and to discuss the content of the complaint and the progress of the investigation. **(4.2.9 a) (26.3.4 a)**
 - a. Periodic status reports will be provided to the complainant during the course of the investigation. **(4.2.9 b) (26.3.4 b)**
 - b. Finally, after completing the investigation, the complainant will be notified, reporting the results of the investigation in summary.

The notification correspondence will be required only to state whether the complaint was substantiated or not, but additional information may be reported at the direction and discretion of the Chief. **(4.2.9c) (26.3.4 c)**

- L. Immediate Relief from Duty: (26.3.7)** Supervisors are responsible for immediately stopping any employee engaged in a serious infraction or dangerous act, regardless of the chain-of-command. That intervention may include relieving the employee from duty in some cases, but with the prior approval of the Duty Officer or FLSS Manager whenever possible.
1. If the supervisor believes the misconduct is serious; and such a relief might be necessitated by member's alleged conduct including but not limited to:
 - a. A violation of criminal law.
 - b. Gross negligence involving loss of life, potential loss of life, or the threat of serious property damage.
 - c. Intoxication on duty.
 - d. Gross insubordination that threatens departmental discipline and efficiency.
 2. In the event that a Duty Officer or FLSS Manager notification was not possible prior to relieving the officer from duty, the Duty Officer or FLSS Manager must be notified as soon as practical after the fact. The employee relieved from duty will be ordered to report to the Chief's Office at a specified time to be determined.
 3. Ensure that the Deputy Chief of Law Enforcement and Community Policing is notified of alleged serious criminal behavior to act as a liaison with the Syracuse Police Department and the District Attorney's Office to facilitate the proper and expeditious handling of the matter.
- M. Review of Departmental Policies and Procedures:** It is a further goal of these investigations to identify training needs and to continually examine all areas of law enforcement action and operations to discover possible DPS policy and procedural defects requiring revision as well as violations of policies, rules and procedures.
- N. Internal Affairs/Professional Standards Report Submission and Authorized Findings:**
1. Internal Affairs Report Submissions: The investigating supervisor will, upon completion of the investigation, submit to the Deputy Chief for Law Enforcement and Community Policing (and cc the Commander of Administrative and Operational Support) through channels a detailed report which will outline the steps taken and results of the investigation as it relates to each allegation of misconduct within the time limits stated in this SOP, unless an extension for cause is granted.
 2. Internal Affairs/Professional Standards Investigative Dispositions (Findings): In the report of the investigation of a complaint the investigating officer will make a recommendation for one of the following dispositions based on conclusions drawn and stated after a factual review of evidence for each allegation reported and investigated: Revised
 - a. Exonerated: The act(s) alleged did occur, but the act(s) are justified, lawful and proper.

- b. Misconduct Not Based on Original Complaint: The investigation revealed that the acts of misconduct that occurred and documented were not contained or alleged in the original complaint.
- c. Closed by Investigation - Unable to Substantiate: The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- d. Policy/Procedural Failure: The investigation revealed the alleged acts did occur; however the member was acting in accordance with Department policy.
- e. Sustained: The investigation disclosed there is sufficient evidence to clearly prove the allegations made in the complaint.
- f. Unfounded: The investigation indicates the act(s) alleged did not occur or that it failed to involve members of the Department.

O. Internal Affairs Professional Standards Investigation Reporting Time Limits: (4.2.8) (26.3.3)

- 1. Preliminary Report: Within ten (10) working days of the receipt of an internal affairs/professional standards investigation the assigned supervisor shall submit an initial report of their investigation, containing at least a synopsis of the complaint, investigative steps taken, and any steps or interviews remaining to be completed along with a projected time line for completion of the investigation if not complete.
 - a. If investigative process has been sufficient to support any preliminary findings they are to be reported.
 - b. Statements, memoranda and other documentary evidence shall be made an attachment to the initial report.
- 2. Supplemental / Follow up or Final Report: It is recognized that while there can be no absolute time limit imposed on investigations, given the University's academic calendar as it relates to access to witnesses and other intervening events beyond the control of the investigating officer, an accurate final report of the complete investigation will be submitted within thirty (30) working days of receiving the complaint.
 - a. The Chief may, at his/her direction, extend the investigative time period given the complexity of the investigation and/or the unavailability of complainants or witnesses.

P. Duties & Responsibilities of Deputy Chief of Law Enforcement and Community Policing: (4.2.3)

It shall be the duty and responsibility of the Deputy Chief of Law Enforcement and Community Policing to:

- 1. Advise the Chief of Internal Affairs/Professional Standards Investigations: Record, register and provide overview (for the Chief) of investigations delegated to other supervisory levels throughout the department.

2. Internal Affairs/Professional Standards Log: Delegate a log to be maintained by the Commander of Administrative and Operational Support of all complaints and investigations as a formal department record of when these matters are commenced and when and how they were concluded.
3. Monitor Investigations: Provide staff-level controls over investigations conducted by immediate supervisors and command officers to monitor their progress to ensure fair, complete, accurate and timely investigations and outcomes.
4. Conduct Serious Complaint Investigations as Directed: If directed by the Chief to conduct the following specific types of serious complaint investigations, pursuant to the Memorandum of Understanding with the Syracuse Police department and in conjunction with that agency:
 - a. Complaints alleging criminal conduct by department personnel.
 - b. Complaints alleging violations of a person's civil rights.
 - c. Complaints alleging excessive use of force.
 - d. Complaints of sexual harassment.
 - e. Complaints involving multiple officers of various commands or shifts.
 - f. Allegations of a serious violation of department policy, procedure or rules.
 - g. Incidents in which a Use of Force Report is submitted, to determine if the use of force was justified.
 - h. Actions by members that result in physical injury to another person.
 - i. Situations involving the use of deadly force by department personnel, to include any discharge of a firearm outside a scheduled training.
 - j. Investigations so complex that it would be impractical for supervisory personnel to undertake the task.
 - k. Any complaint at the direction of the Chief.
5. Review and Processing of Reports: Upon receipt of an investigation completed by a supervisor/other command officer the Deputy Chief of Law Enforcement and Community Policing shall:
 - a. Review the preliminary investigation for completeness.
 - b. Ensure that the Internal Affairs/Professional Standards Log reflects the proper status of the investigation.
 - c. Return the investigation of the complaint, if necessary, to the appropriate supervisor/command officer, through the chain of command for follow-up investigation if additional investigatory steps are felt to be necessary.
 - d. No Sustained Allegations: If there are no sustained allegations, the file will be forwarded to the Chief with his/her recommendations for review, along with any discrepancies that are noted.
 - e. Some Allegations Sustained: With one or more allegations sustained after review the file is to be forwarded to the Chief with a final recommendation as to disciplinary action.

- f. Final approval of the findings of the investigation and disciplinary action will be the decision of the Chief working in conjunction with Human Resources.
- 6. Act as Liaison when Officer(s) Removed from Duty After Incident Involving Death or Serious Person Injury: Work closely with the Syracuse Police Department Criminal Investigation Division and Internal Affairs Division and the District Attorney's Office relative to any incident involving death or serious injury and ensure that the involved officer(s) are removed from line-duty assignments pending all required reviews.
- 7. Liaison to SPD, District Attorney and the SU Department of Human Resources on Investigations: Maintain a liaison with the Syracuse Police Department, the University's Department of Human Resources, as well as the District Attorney's Office to assure that the results of serious internal affairs investigations are adjudicated fairly, impartially and thoroughly.
- 8. Confidential and Secure Internal Affairs Records: **(4.2.2) (26.2.2)** The Commander of Administrative and Operational Support is to maintain confidential internal affairs/professional standards log, records, reports and files in a secure location and retain those records and files pursuant to NYS criminal case file retention requirements.
- 9. Annual Report: **(4.2.5) (26.2.5) (TS)** Compile an annual report of complaints and internal investigations conducted that is available to the Chief and the University hierarchy, and are made available to the public and agency employees. The report will include information on the affiliation of complainant (student, staff, non-affiliated); the type of complaint (personnel or agency policy/procedure); the category of allegation (unprofessional conduct, discrimination, dishonesty, excessive force, false detention/arrest, etc.); and the disposition (sustained, not sustained, exonerated, unfounded, pending).
- 10. Notification to SPD Internal Affairs Unit on Serious Matters: Notify the Syracuse Police Department Internal Affairs Unit of any violation of federal, state, or local law or any significant violation of any SPD or DPS rule, regulation or departmental policy, and support the SPD on any investigation into alleged misconduct or malfeasance of DPS employees consistent with Section B. 4. of the Memorandum of Understanding (MOU). Refer to SOP 2011-52 SPD/DPS Authorizing MOU

Q. Authorized Disciplinary Sanctions: (26.1.4 c)

- 1. Supervisory personnel (if directed) may recommend one or more of the following disciplinary actions against any member when such action is found necessary: Refer to SOP 2010-22 Disciplinary Procedures for disciplinary procedures.
 - a. Verbal Reprimand - Written documentation of this action is issued by a supervisor.
 - b. Written Warning - Issued by a supervisor.
 - c. Written recommendation for other penalties.
 - d. Performance Improvement Plan.
 - e. Counseling/training for minor infractions.
 - f. Immediate relief from duty.
 - g. Suspension from duty.
 - h. Termination of employment

2. Recommendations above for union members will be carried out in accordance with the union contract discipline procedures.

R. Training/ Counseling as a Possible Remedy: (26.1.4 a, b)

1. Remedial Training: The department recognizes and encourages the use of training as a positive and constructive means of improving employee productivity, performance and effectiveness and will establish procedures and policies accordingly.
2. Procedures and Criteria for Use of Training:
 - a. The training function of the Department includes positive and constructive techniques for improving the effectiveness, productivity and morale of members.
 - b. Members are required to diligently maintain an acceptable level of competence in the performance of their duties. Supervisors are required to identify any shortcomings, deficiencies or lack of knowledge in their employees' job performance.
 - c. When appropriate, training recommendations will be made based on those areas identified.
3. Procedures and Criteria for Use of Supervisory Conversations: Supervisory conversations are an important aspect of the Department's disciplinary process. Supervisors will conduct periodic conversation sessions to help correct an employee's job performance or when minor infractions of departmental rules and procedures occur.
 - a. Supervisory conversations are also an important aspect of the Department's career development program.

S. Disciplinary Appeal Process:

1. Employees may appeal disciplinary sanctions through mechanisms outlined in the Syracuse University employee complaint process and/or delineated within any existing collective bargaining agreements. Employees may likewise request permission to appeal disciplinary sanctions through the department's hierarchy to the Chief as a form of mediation. Refer to SOP 2010-22 Disciplinary Procedures.

POLICY REVISION HISTORY

| NO | SECTION REVISED | DATE ISSUED |
|-----------|---|--------------------|
| 1 | Formatted, Minor editorial revisions highlighted Pgs.2,9,11 | 5/14/12 |
| 2 | Entire document reviewed: title changes re Reorganization | 11/01/12 |
| 3 | SOP Revised and Reformatted, Summary Added | 08/19/14 |
| 4 | Reviewed/Revised | 01/24/15 |
| 5 | Reviewed/Revised re IACLEA | 11/25/15 |
| 6 | Revised re CALEA and Personnel Early Warning System | 11/08/17 |
| 7 | Title changes re Deputy Change and Commander Op. Support; Quality of Service def. and procedure | 03/31/21 |
| 8 | IACLEA 2 nd Edition changes re Annual Report | 12/01/21 |
| 9 | Revised re CALEA ADV – Examinations | 01/12/24 |
| 10 | Revised re Examinations | 08/21/24 |