

**CITY OF LYONS POLICE DEPARTMENT
POLICE OPERATIONS MANUAL**

CHAPTER: 19 – Office of Professional Standards

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POLICY STATEMENT, INTERNAL AFFAIRS

Maintenance of professional conduct in law enforcement and continuous public support of law enforcement efforts are determined largely by the ability of an organization to police itself. The integrity of an organization is dependent entirely upon personal integrity and discipline. It is the policy of this Department to respond to, record and appropriately dispose of all allegations of misfeasance, nonfeasance, criminal misconduct, and any other lack of Departmental response to community needs. In addition to investigation and correction of procedural violations, it is the policy of this Department to receive recognition for and provide commendation for outstanding performance by employees.

AUTHORITY

Shift Supervisors may conduct initial investigations into minor allegations against personnel within their charge and, if appropriate, conclude with a disciplinary conference with the employee which shall be documented and forwarded to the Chief. Investigation of major and flagrant violations are initiated by the Chief and/or Internal Affairs are delegated to internal affairs for verification of allegations. Shift supervisor shall have the authority to administer discipline for minor and moderate violations and to dispense oral reprimands, written reprimands, and conduct corrective discipline conferences with employees under their command.

All major and flagrant violations shall be referred to the Chief for final investigation, review and disciplinary action.

CLASSIFICATION OF COMPLAINTS

As part of the routine discipline of the Lyons Police Department all complaints against Departmental personnel are investigated. For purposes of fairness and equity of application, the following general categories should be used as a guide in determining relative severity of offenses and appropriate investigating authority response:

A. Complaint Categories

Once a complaint is received, the Office of Professional Standards will classify it into one of the following categories:

1. Category One

Category One complaints are considered the most serious and shall always be investigated by Internal Affairs. A Category One complaint is an act or omission that, if proven true, would constitute willful or wanton disregard for policies and procedures which include, but are not limited to:

- Dishonesty or any breach of integrity by an employee which reflects discredit on the department or city. (This includes untruthfulness.)
- Unauthorized use of weapons and/or unjustified use of force.
- Failure to conform to a law which would constitute a gross misdemeanor or greater.
- Harassment/discrimination involving civil rights violations. This would include tort claims where allegations are made in regard to the use of force, civil rights, false arrest and/or imprisonment, and wrongful death.

- Alcohol and/or substance abuse. If there is evidence and/or behavior to indicate alcohol or substance abuse, ensure all evidence is collected and preserved in accordance with policy.
- A serious breach of department rules and regulations (Serious breaches of department policy depend on the elements of each case.)
- Officer-involved shootings and major use of force incidents, (The Internal Affairs review will only address policy compliance, supervision, tactics, and training.)
- Complaints against employees where an outside agency is involved or those which cross Division/District boundaries.
- Allegations involving personnel on disability status.

2. Category Two

Category Two complaints are actions or behaviors which disregard department rules and regulations. Category Two complaints are normally investigated by Internal Affairs, but may be directed to the Uniform Patrol Manager. The office of Professional Standards, in consultation with Division Manager, shall determine the appropriate investigative responsibility and assign it accordingly.

Category Two complaints include, but are not limited to:

- Abuse of position by an employee.
- Insubordination.
- Failure to conform to laws which constitute a misdemeanor or less.
- Violation of the Code of Ethics which could bring discredit to the agency.
- Complaints against command.
- Ongoing performance problems. This would include recurring work-related problems which have been addressed through counseling, documentation, performance, performance improvement plans, and/or retraining.

- There should be ongoing consultation with Human Resources Services if performance problems persist. Once an internal investigation is needed, the affected Division Manager shall notify the Office of Professional Standards.

3. Category Three

Category Three Complaints are complaints against department employees which involve not only perceptual differences, but may constitute violations of department policies, procedures, or service(s). Examples of Category Three complaints are speeding and courtesy.

The Uniform Patrol Manager shall delegate the investigative responsibility of a Category Three complaint to a supervisor, unless it constitutes a long standing pattern. In those cases, the Manager shall consult the Internal Affairs Captain to determine who should conduct the investigation.

CRIMINAL MISCONDUCT

All internal investigations which are based on or reveal in the course of the investigation allegations of criminal misconduct shall be referred to the District Attorney's Office for final disposition of any criminal charges. This action shall be taken in an effort to dispel the possibility of rumors or allegations of cover-up on the part of this Department.

All allegations of criminal misconduct by members of this Department shall be reported immediately to the Chief of Police by the receiving Supervisor and the decision to defer investigation to the District Attorney's Office and/or continue the internal investigation and simultaneous criminal investigation shall rest solely with the Chief of Police.

REPORTING CHANNELS/CRIMINAL ALLEGATIONS

Whenever an employee is accused of criminal misconduct, the employee's Manager shall be notified. The Manager shall notify the following:

- Appropriate shift Manager;
- Internal Affairs Investigative Division;
- Office of Professional Standards;

The Internal Affairs Division shall notify the Chief of Police;

Criminal investigations are normally investigated by the agency with jurisdiction and/or by the Criminal Investigative Division. Internal Affairs shall initiate a collateral investigation and monitor the criminal investigation. If an administrative investigation would interfere with the criminal investigation, Internal Affairs shall wait until given approval by the Chief of Police. Investigation may be done by another agency if the Chief of Police decides the criminal allegations may cause adverse public reaction, have political implications, or create a potential conflict of interest.

When criminal conduct occurs outside the jurisdiction of the Patrol, Internal Affairs will develop and maintain a liaison communication with the agency of jurisdiction, through the outside agency itself.

A. Use of Force

It is recognized that officers, in the performance of their duties, can be confronted with threatening and violent situations. As long as this is true, our officers will need to respond to these threats of violence with force. Failure to use the necessary force at the time it is appropriate can have a more far-reaching consequence than the use of force. However, when force is used, it can become a major source of complaints and civil litigations against the department and the officer.

In the past, the use of force has been documented only in arrest reports. These reports do not adequately evaluate the appropriateness of the force, alternatives to the force, tactics used to administer the force, or the training and supervisory concerns related to the use of force incident. For these reasons, the department shall investigate all use of force incidents.

- use of force (including lethal force) is not, by definition, a criminal allegation. It shall be investigated first by Internal Affairs or Office of Professional Standards but for the purposes of this section, it is not considered criminal, unless evidence is discovered which would lead to the filing of criminal charges by the appropriate prosecutor.

1. Accidental Discharges

Although accidental discharges are not necessarily considered force, these incidents shall have the same reporting procedures as use of force. If no policy violations are discovered, the use of force only need be completed. However, if policy violations are discovered, a completed administrative report shall accompany the use of force report.

2. Employees Responsibility

Use of force is defined as that force used which is more than a "firm grip," handcuffing, and escorting without resistance. Force shall include:

- Physical take-downs, leg sweeps, or any technique which forcibly requires the subject to end up on the ground from means other than his/her own.
- Use of maximum restraints.
- Use of OC Spray
- Use of Taser
- Striking with fist or foot
- Any use of an impact tool, whether designed for that function or not
- Neck restraint hold
- Any action which results in a complaint of injury and/or any form of visible injury to a subject
- Use of vehicle in an intentional act of legal intervention
- Use of any firearm (including accidental discharge)

An employee who uses force upon another person while actively engaging in providing police service shall immediately notify a supervisor.

- In case involving lethal force, the employee may be required to give a statement within 48 hours.

3. Supervisor's Responsibility

Whenever force is reported or discovered, the supervisor shall respond and conduct a preliminary use of force investigation. The supervisor shall complete an Internal Incident Report and forward it to the appropriate Manager only if there appears to be a policy violation or if the investigation cannot be completed within 5 days. If no policy violations are discovered, and if the investigations can be conducted within 5 days, the supervisor need only complete the Use of Force Report and forward it to the appropriate Manager.

The supervisor's use of force investigation consists of:

- Ensuring an arrest report, if required, is completed by the employee involved.
- If necessary, the supervisor shall order the employee to complete the arrest report.
- Examining all injuries, visible or not.
- Ensuring medical treatment is provided.
- Obtaining a medical release form, if applicable.
- Interviewing all employees involved or who were witnesses, any other witnesses, and the recipient of the use of force.
 - Employees involved in the use of lethal force shall not be interviewed by the supervisor. The Internal Affairs or Criminal Investigation Division shall be called to the scene to investigate these incidents. In these cases, the Chief of Police shall be advised by the Internal Affairs Officer or Criminal Investigative Division.
 - Employees involved in the use of lethal force shall be advised of their rights to and allowed to consult with an attorney prior to being required to give a statement.
 - In incidents where the force may involve criminal conduct, the involved employee shall be advised of his/her Miranda Rights prior to being questioned.
- Photographing visible injuries. Clothing should be removed to display the injury or area of alleged injury and a scale measurement shall be used when available. (Photographs can be taken by medical personnel, when appropriate.)
- Examining the employee's service equipment and photographing any item of evidentiary value, if warranted.
- Completing the Use of Force Report and forwarding it to the Division Manager.

In compliance with the appropriate labor agreements, the involved employee shall be interviewed. If there are no apparent policy violations, the Use of Force Report shall be submitted to the Uniform Patrol Manager.

If there appears to be a policy violation, the supervisor shall immediately notify the Uniform Patrol Manager, who shall in turn notify the Internal Affairs Division. The Internal Affairs Division, in consultation with the Uniform Patrol Manager, shall determine and delegate investigative responsibility for the investigation.

When an employee is involved in the use of lethal force, a supervisor shall respond to the scene and assume on-scene supervisory responsibility. This authority shall be maintained until the supervisor is properly relieved. The Criminal Investigation Division and Internal Affairs shall be called to the scene to investigate the incident. The supervisor shall not relinquish on-scene supervisory responsibility of the scene to Criminal Investigative Division. In cases of lethal force, the supervisor shall complete the Internal Incident Report and forward it to the appropriate Division/District Manager.

4. Detective Responsibility

Detective from the Criminal Investigation Division shall respond to the scene of all incidents where lethal force has been used. The detective shall immediately assume investigative responsibility for the incident, or contact the proper agency. Field supervisors shall maintain on-scene supervisory responsibility for the scene.

- This includes incidents when Criminal Investigative Division personnel use lethal force.

Criminal Investigative Division investigators shall not conduct administrative investigations. Once the detective(s) completes the investigation, the complete investigative case file shall be forwarded to Internal Affairs. Internal Affairs shall conduct an administrative investigation and complete the use of force report.

5. Managers Responsibility

Internal Affairs and Uniform Patrol Managers shall ensure that all incidents of use of force are investigated. When a use of force incident occurs, and a preliminary investigation indicates that policy violations may exist, the investigating supervisor shall complete and forward to the appropriate Manager the Internal Incident Report. The Manager shall send this form to Internal Affairs by 9 a.m. the next business day.

When the force used does not involve any policy violations or injuries, the Use of Force Report is the only report necessary.

In those cases where policy violations are discovered and/or when the use of force by a subordinate has resulted in injury, the Uniform Patrol Manager shall notify the Internal Affairs by use of the Internal Incident Report. The Internal Affairs Division, in consultation with the Uniform Patrol Manager, shall determine and assign investigative responsibility and assign a case number.

If the incident involves death or serious injury or the investigation indicates the need for investigative expertise beyond the local level capabilities, the Manager shall request the assistance of the Georgia Bureau of Investigation. When the GBI begins an investigation the local investigation shall ensure that the investigation is terminated and all evidence collected is turned over to the GBI investigators. Once the GBI assumes investigative responsibility, it shall keep the Internal Affairs Manager apprised of the progress of their investigation. If, at any time during the investigation, the GBI determines that no criminal violation occurred, they shall immediately notify the Internal Affairs Division. The Internal Affairs Division, in consultation with the Uniform Patrol Manager, shall determine further investigative responsibility.

At the conclusion of those cases investigated by the GBI, the investigators shall forward the case file, through the chain of command, to the Chief of Police. After they receive of the case file, the Internal Affairs Division may conduct the administrative investigation, focusing on policies, training, tactics, and supervision.

NOTICE TO EMPLOYEES OF INVESTIGATION

At such time as an employee becomes the subject of an internal investigation, the investigating Supervisor shall be responsible for notifying the employee in writing within 48 hours of the allegations, unless it would hamper the investigation, and advise the employee of the rights and responsibilities relative to the investigation.

NOTIFICATION OF POLICY

These policies and procedures apply to all employees of the Lyons Police Department. All employees shall be furnished a copy of this policy upon employment as part of their Police Operations Manual.