



#### New Supervisor's Course – September 23, 2019

Sergeants Denese Deal, Mike Binsfield, Jesse Johns, Glen Twyman, Shawn Thompson, John Buckley Internal Affairs Unit

# **Myths and Truths**

- 1. Rumor or myth you heard about IA
  - a) Pink, green or yellow card
- 2. Something you want to know related to IA
  - a) White card

# Why do we have an Internal Affairs Unit?

Mission Statement:

To enhance the confidence of the public and our department employees, we produce thorough and impartial administrative investigative services.

- In 1974, 832.5 PC was enacted
- Central hub to store files, ensure proper access or protection of files
- Checks and Balances of SDSO

- Public trust
- Fulfill all the legal requirements
- Protect employees rights

# **Internal Affairs Unit**

- Lieutenant
- 7 Sergeants
  - 5 LE and 2 Detentions
- 3 Professional Staff
- 4 960 Deputies
  - One for `pitchess' motions
  - Three for SB 1421

# What we <u>DO</u> Investigate

- On-duty misconduct allegations
- Off-duty criminal allegations
- Off-duty, non-criminal conduct with a nexus to the department

# What we do NOT Investigate

- Complaints with no nexus to the department
- Complaints not involving department members
- Matters with more appropriate methods of resolution
- Complaints that are not timely

30 days

### 2018- IA Statistics

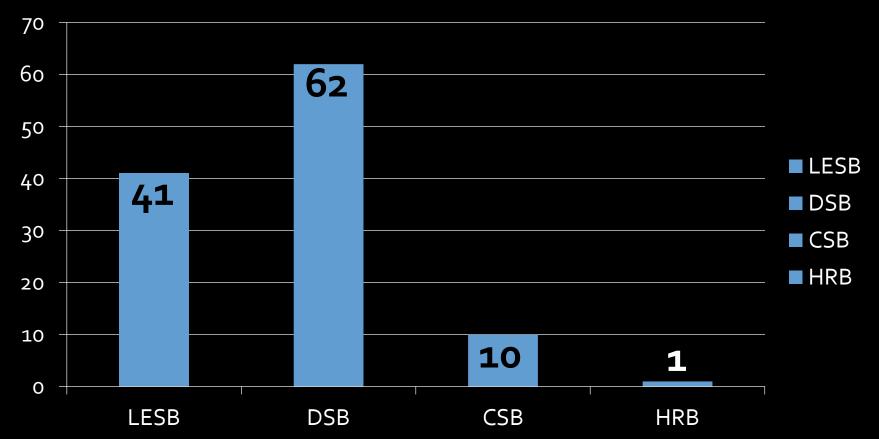
Total complaints received – 463

Correspondence Letters- 349
IA cases opened- 114
Does not include traffic collisions (approx. 91)

On average about half are handled by IA

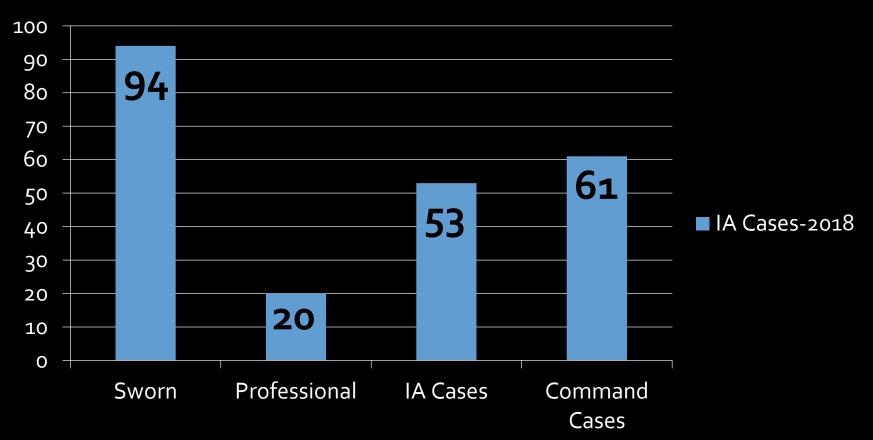
#### Breakdown

#### IA Investigations-2018



#### Breakdown

IA Cases-2018



# **Command Investigations**

- Traffic Collisions
- Minor Procedural Violations
- Reporting Procedures
- Sick Leave Abuse
- Failure to Meet Standards
- Use of Force
- CLETS Violations

# **Command Investigations**

- Professional staff supervisors conduct IA Investigations too.
  - Medical
  - Inmate Processing Division
  - Food Services
  - Crime Lab

# Confidentiality

- Who can the accused talk to about the investigation?
  - Order not to disclose Be specific to your investigation.
- When can the accused employee talk about the investigation?
- Other questions?

# **The Complaint**

働	Post Offic San Diego, Cal	San Diego County Sheriff's Department Post Office Box 939062 San Diego, California 92193-9062 William D. Gore, Sheriff			
	COMP	LAINT FORM			
PLEASE PRINT OR TYPE		DATE OF BIRTH	HOME PHONE		
COMPLAINANT'S NAME		DATE OF BIRTH	TOUTHE FITTE		
COMPLAINANT'S ADDRESS	ci	TY ZIP CODE	BUSINESS PHONE		
	CITY	DATE AND TIME OF INCIDENT			
LOCATION OF INCIDENT	GIY	DATE AND THE OF HUDDRESS			
NAME(S) OF SHERIFF'S PER	SONNEL.				
1. Do you de styrt you	WITHE STOPPED, ARRESTED, SEARCHE	D. OR DETAINED BY LAW ENFORCEMENT	CONTINUED OW ADDITIONAL SHEETS DUE, AT LEAST IN PART, TO R		
IDENTITY PROFILING ( SEXUAL ORIENTATION 2. IP YES, PLEASE EXPL.	E-G. BECAUSE OF YOUR RACE, COLOR, K. MENTAL OR PHYSICAL DISABILITY)? AIN WHAT SPECIFIC PROFILING YOU BEL	JEVE OCCURRED AND THE BASIS FUR TO	ADDITIONAL SPEETS TOUE, AT LEAST IN PART, TO R IR, AGE, RELIGION, GENDER EX JUR BELIEF:		
IDENTITY PROFILING ( SESUAL ORIENTATION 2. IF YES, PLEASE CKPL 2. IF YES, PLEASE CKPL 3. IF	E.G. BECAUSE OF YOUR RACE, COLOR, KENTAL OR INFRIGAL BRANLINY? AN WHAT SPECFIC PROPILING YOU BEL NT. YOU HAVE THE RIGHT TO MAKE. REQUIRES THIS AGENCY TO HAVE A P HIS PROCEDURE. THE AGENCY HAV HIS PROCEDURE. THE AGENCY HAVE A DIPLANT, YOU'RE IN THAT IS AGENCY HAVE COMPLANT AGENCY FOR THE CAST COMPLANT AGENCY FOR THE CAST COMP	TYES NO	According Sectors Depart Least In PART, TO S Ing, At Least In PART, TO S Ing, At Least In PART, TO S Ing, Bellief: Cent For any Improper PO Sector Part International Cent For any Improper PO Sector Part International Cent For any Improper PO Sector Part International Cent For any Improvement Policy Cent Policy And Part International Policy And Part International Policy Action Policy Action Policy Actional Policy Action Policy Action Policy Actional Policy Actional Actional Policy Actional Actional Policy Actional Policy Actional Policy Actional Policy Actional Policy Actional Policy Actional Policy Actional Polic	LICE A RIGHT TO ICE TO ED TO T YOU KNOW	
IDENTITY PROFILING ( SECULA, ORENTATIO 2. IF YES, PLEASE DIPL 148.5 P.C. ADVISORY STATEME CONDUCT, CALIFORNA LAW 5 A WRITTEN DESCRIPTION OF NYES TRATEO IF YOU BELIEVE NYES TRATEO IF YOU BELIEVE NYES TRATEO IF YOU BELIEVE INVESTIGATED IF YOU MAKE A CARNOE. IF YOU MAKE A CARNOE.	Les, BECAUSE OF YOUR RACE, COLOR, K, BETAL OR HYRTSCA, DBABALLIYI? AN WHAT SPECPIC PROPILING YOU BEL <u>INT</u> , YOU HAVE THE RIGHT TO MAKE / TEQUIRES THIS AGENCY TO HAVE A P HIS PROCEDURE. THIS AGENCY HAVE A HIS PROCEDURE. THIS AGENCY HAVE A DIPLANT, YEAR IN THAT IS THE CAS AN OFFICER BEHAVIED IMPROPEND. DOPLANT, ACOUNTY FOR AT LEAST I COMPLANT AGAINST AN OFFICER KI e above statisment. ANT:	ANTOWALTY, BATCHAL CHILA, GRUE JEVE GOCUMPED AND THE BASIS FOR YO LEVE GOCUMPED AND THE BASIS FOR YO PROCEDURE TO INVESTIGATE CIVILIAN PROCAFER BAVESTIGATE CIVILIAN FROM AFTER BAVESTIGATE CIVILIAN COMPANY THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE NOW WAS THAT THE FALSE, YOU CAN B	ADDITIONAL SHEETS TOPIC AT LEAST IN PART, TOP IN, AGE, RELIGION, GENDER EX NUR BELIEF: CER FOR ANY IMPROPER PO S" COMPLANTS. YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, AND HAN'E IT PORTS OR TINDINGS RELAT O MAKE A COMPLANT THAT IS PROSECUTED ON A MISDE	LICE A RIGHT TO ICE TO ED TO T YOU KNOW	
DENTITY PROFUNE C SESUAL ORIGINATION 2. IF YES, PLEASE CKPL 2. IF YE	Les BECAUBE OF YOUR RACE, COLOR, IN BENTAL OR INFRIGAL DBABLITIY? AN WHAT SPECFIC PROPILING YOU BE WIT: YOU HAVE THE RIGHT TO MAKE / REGURESS THE AGENCY TO HAVE A / HER PROCEDURE. THIS AGENCY MAY ORPLANT, EVEN IF THAT IS THE CAS AN OFFICER BEHAVIOL BRENOVEN MAY CAMPLANT, BEHAVIOL BRENOVEN MAY CAMPLANT, BEHAVIOL BRENOVEN MAY BE ADOVE BISIEFTIERTI. ANT: INTERNAL /	ANTIGUALITY, MATCHAL CHRAN, GRAD JEVE COCUMPED AND THE BASIS FOR YO A COMPLAINT AGAINST A POLICE OFF PROCEDUME TO INVESTIGATE CIVILIAN PINO AFTER INVESTIGATE CIVILIAN FINO AFTER INVESTIGATION THAT TH INVE YOU HAN'T THE ROAT TO BASIS IN YOU HANT THIS AGAINST THE LAW T NOWING THAT IT IS FALSE, YOU CAN B	ADDITIONAL SHEETS TOPIC AT LEAST IN PART, TOP IN, AGE, RELIGION, GENDER EX NUR BELIEF: CER FOR ANY IMPROPER PO S" COMPLANTS. YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, AND HAN'E IT PORTS OR TINDINGS RELAT O MAKE A COMPLANT THAT IS PROSECUTED ON A MISDE	ARIGHT TO ICE TO ED TO T YOU KNOW	
IDENTITY PROFILING ( SERVIAL ORIENTATION 2. IF YES, PLEASE DIPL 148.5 P.C. ADVISORY STATEME CONDUCT, CALIFORNA LAW 5 A WRITTEN DESCRIPTION OF A WRITTEN DESCRIPTION OF NYESTRATED IF YOU BELIEVE NYESTRATED IF YOU BELIEVE NYESTRATED IF YOU BELIEVE NYESTRATED IF YOU MAKE A CARAGE. Inave read and understand th SIGNATURE OF COMPLAINJ EMPLOYEE RECEIVING COM	Les BECAUBE OF YOUR RACE, COLOR, IN BENTAL OR INFRIGAL DBABLITIY? AN WHAT SPECFIC PROPILING YOU BE WIT: YOU HAVE THE RIGHT TO MAKE / REGURESS THE AGENCY TO HAVE A / HER PROCEDURE. THIS AGENCY MAY ORPLANT, EVEN IF THAT IS THE CAS AN OFFICER BEHAVIOL BRENOVEN MAY CAMPLANT, BEHAVIOL BRENOVEN MAY CAMPLANT, BEHAVIOL BRENOVEN MAY BE ADOVE BISIEFTIERTI. ANT: INTERNAL /	ANTOWALTY, BATCHAL CHILA, GRUE JEVE GOCUMPED AND THE BASIS FOR YO LEVE GOCUMPED AND THE BASIS FOR YO PROCEDURE TO INVESTIGATE CIVILIAN PROCAFER BAVESTIGATE CIVILIAN FROM AFTER BAVESTIGATE CIVILIAN COMPANY THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE NOW WAS THAT THE FALSE, YOU CAN B	ADDITIONAL SHEETS TOPIC AT LEAST IN PART, TOP IN, AGE, RELIGION, GENDER EX NUR BELIEF: CER FOR ANY IMPROPER PO S" COMPLANTS. YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, AND HAN'E IT PORTS OR TINDINGS RELAT O MAKE A COMPLANT THAT IS PROSECUTED ON A MISDE	LICE A RIGHT TO ICE TO ED TO T YOU KNOW	
IDENTITY PROFILING ( SESUAL ORIENTATION 2. IF YES, PLEASE EXPL 2. IF	Les BECAUBE OF YOUR RACE, COLOR, I MENTAL OR MITHERAL DISABLITITY? ANY WHAT SPECFIC PROPILING YOU BE WIT: YOU HAVE THE RIGHT TO MAKE / REGURESS THIS AGENCY TO HAVE A / HER PROCEDURE. THIS AGENCY MAY OMPLANT, EVEN IF THAT IS THE CAS AN OFFICER BEHAVIOL BURNOFERIT LEO BY THIS AGENCY FAR OFFICER KI IS above statement. ANT: INTERNAL /	ANTOWALTY, BATCHAL CHILA, GRUE JEVE GOCUMPED AND THE BASIS FOR YO LEVE GOCUMPED AND THE BASIS FOR YO PROCEDURE TO INVESTIGATE CIVILIAN PROCAFER BAVESTIGATE CIVILIAN FROM AFTER BAVESTIGATE CIVILIAN COMPANY THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE NOW WAS THAT THE FALSE, YOU CAN B	ADDITIONAL SHEETS TOPIC AT LEAST IN PART, TOP IN, AGE, RELIGION, GENDER EX NUR BELIEF: CER FOR ANY IMPROPER PO S" COMPLANTS. YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, AND HAN'E IT PORTS OR TINDINGS RELAT O MAKE A COMPLANT THAT IS PROSECUTED ON A MISDE	ARIGHT TO ICE TO ED TO T YOU KNOW	
IDENTITY PROFILING ( SEXUAL ORIENTATION 2. IF YES, PLEASE EXPL 2. IF YES, PLEASE EXPL 3. IF YES, PLEASE IN YOUR AND A INVESTIGATED IF YOU MAKE A COMPLANTS MUST BE RETAIN TO BE FALSE. IF YOU MAKE A CARAGE. I have read and understand th	Les BECAUBE OF YOUR RACE, COLOR, I MENTAL OR MITHERAL DISABLITITY? ANY WHAT SPECFIC PROPILING YOU BE WIT: YOU HAVE THE RIGHT TO MAKE / REGURESS THIS AGENCY TO HAVE A / HER PROCEDURE. THIS AGENCY MAY OMPLANT, EVEN IF THAT IS THE CAS AN OFFICER BEHAVIOL BURNOFERIT LEO BY THIS AGENCY FAR OFFICER KI IS above statement. ANT: INTERNAL /	ANTOWALTY, BATCHAL CHILA, GRUE JEVE GOCUMPED AND THE BASIS FOR YO LEVE GOCUMPED AND THE BASIS FOR YO PROCEDURE TO INVESTIGATE CIVILIAN PROCAFER BAVESTIGATE CIVILIAN FROM AFTER BAVESTIGATE CIVILIAN COMPANY THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE NOW WAS THAT THE FALSE, YOU CAN B	ADDITIONAL SHEETS TOPIC AT LEAST IN PART, TOP IN, AGE, RELIGION, GENDER EX NUR BELIEF: CER FOR ANY IMPROPER PO S" COMPLANTS. YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, AND HAN'E IT PORTS OR TINDINGS RELAT O MAKE A COMPLANT THAT IS PROSECUTED ON A MISDE	ARIGHT TO ICE TO ED TO T YOU KNOW	
IDENTITY PROFILING ( SESUAL ORIENTATIO 2. IF YES, PLEASE EXPL 146.4 P.C. ADVISORY STATEME CONDUCY, CALIFORMA LAW AWINITEN DESCRIPTION OF T WARRANT ACTION DU YOUR OF INVESTIGATED IF YOU BELIEVE COMPLAINTS MUST BE RETAIN INVESTIGATE. IF YOU MAKE A CHARGE. I have read and understand th SIGNATURE OF COMPLAIN/ EMPLOYEE RECEIVING COM RECEIVED IN LA. BY: IN PERSON	Les BECAUBE OF YOUR RACE, COLOR, KEINTAL OR HITFIGAL BEALUTY)? AN WHAT SPECFIC PROPILING YOU BE WIT: YOU HAVE THE RIGHT TO MAKE / REGURESS THE AGENCY TO HAVE A P HER PROCEDURE. THIS AGENCY MAY OMPLANT, EVEN IF THAT IS THE CAS AN OFFICER BEHAVED INFORMATION ED BY THIS AGENCY FOR AT LECH AN OFFICER BEHAVED INFORMATION ED BY THIS AGENCY FOR AT LECH ED BOVE ISISTEMENT. INTERNAL A WPLAINT:	ANTOWALTY, BATCHAL CHILA, GRUE JEVE GOCUMPED AND THE BASIS FOR YO LEVE GOCUMPED AND THE BASIS FOR YO PROCEDURE TO INVESTIGATE CIVILIAN PROCAFER BAVESTIGATE CIVILIAN FROM AFTER BAVESTIGATE CIVILIAN COMPANY THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE YOU HAVE THE RAINT TO MAKE THE NOW WAS THAT THE FALSE, YOU CAN B	ADDITIONAL SHEETS TOPIC AT LEAST IN PART, TOP IN, AGE, RELIGION, GENDER EX NUR BELIEF: CER FOR ANY IMPROPER PO S" COMPLANTS. YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, YOU HAN'E ERE IS NOT ENOUGH EVIDENE COMPLANT, AND HAN'E IT PORTS OR TINDINGS RELAT O MAKE A COMPLANT THAT IS PROSECUTED ON A MISDE	LICE A RIGHT TO CE TO ED TO YOU KNOW MEANOR	

- Who is the complainant?
- Who is the accused?
- What are the allegations?
- When did it happen?
- Where did it happen?
- When was it reported?

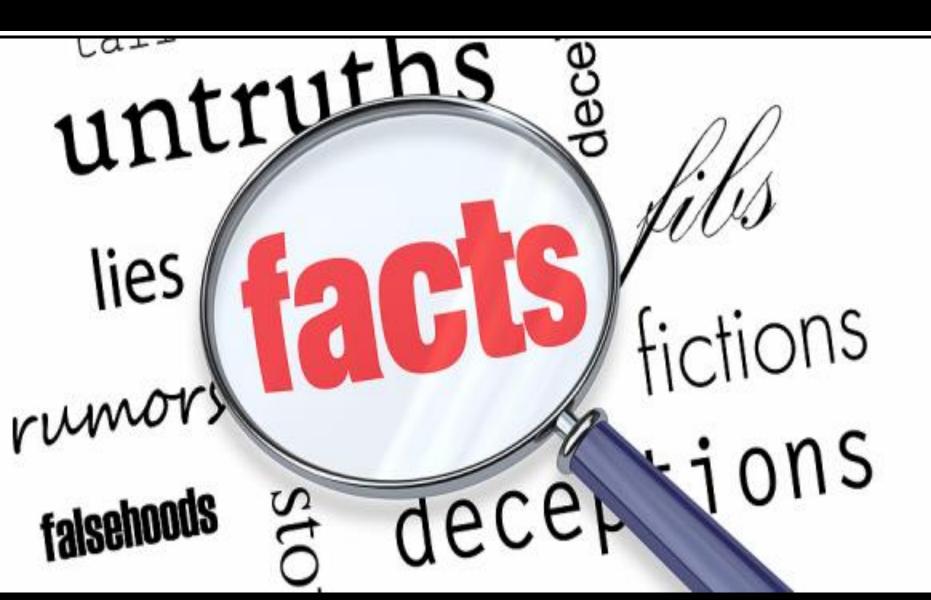
### **Department Generated Complaint**

畲	San Diego County Sheriff's Department Post Office Box 939062 San Diego, California 92193-9062 William D. Gore, Sheriff COMPLAINT FORM			
PLEASE PRINT OR TYPE	COMPL	AINTFORM		
COMPLAINANT'S NAME		DATE OF BIRTH	HOME PHONE	
COMPLAINANT'S ADDRESS	city	ZIP CODE	BUSINESS PHONE	
COMPLAINANT'S ADDREDS				
LOCATION OF INCIDENT	CITY	DATE AND TIME OF INCIDENT		
NAME(S) OF SHERFF'S PERSO	INNEL			
BRIEF NARRATIVE OF COMPL				
IDENTITY PROFILING (E.G	BECAUSE OF YOUR RACE, COLOR, N	ATIONALITY, NATIONAL ORIGIN, GENDE	CONTINUED ON ADDITIONAL SPEETS TOUE, AT LEAST IN PART, TO RACIAL OR IT, ADE, RELIGION, GENDER EXPRESSION, ADE, RELIEFT	
148.4 P.C. ADVISORY STATEMENT GOODUCT, CALIFORNALAW RED A WRITTEN DESCRIPTION OF THE WARRANT ACTION ON YOUR COM INVESTIGATED IF YOU BLEVEV A COMPLAINTS WIST BE RETAINED TO BE FALSE. IF YOU MAKE A CO CHARGE. I have read and understand the a	YOU HAVE THE RIGHT TO MAKE A URRES THIS AGENCY TO HAVE A PR PROCEDURE. THIS AGENCY MAY F PROCEDURE. THIS AGENCY MAY F OFFICER BEHAVED MPROPERLY. DET THIS AGENCY FOR AT LEAST FR MPLANT AGAINST AN OFFICER KNO DOVE SEMENTI.	COMPLANT AGAINST A POLICE OFF OCEDURE TO INVESTIGATE CIVILIAN US ATTER INVESTIGATION THAT TH YOU HAVE THE RIGHT OWNER TH COLLANS COMPLANTS AND ANY RE COLLANS COMPLANTS AND ANY RE	ICER FOR ANY IMPROPER POLICE 5" COMPLANTS. YOU HAVE A RIGHT TO BRE IS NOT ENOUGH EVIDENCE TO	
SIGNATURE OF COMPLAINANT			Service.	
EMPLOYEE RECEIVING COMPI RECEIVED IN LA. BY: IN PERSON U.S. MAIL MESSENGER MAIL	AINT: NATURE OF COMPLAINT:	FFAIRS USE ONLY DATE & TIME:		
OTHER:	ASSIGN TO:		LA CASE #	

- What does "department generated" mean?
- You may be asked to complete a department generated complaint
- Accused information
- Date, time & location of incident
- Summarize the allegation, DO NOT CITE POLICY

#### Take a break!

### Your role as an Investigator



# Where do you start?

- Review complaint form
- Research all potential policy violations
  - Rules of Conduct vs. Department Procedures
- Who do I need to interview?
- What evidence do I need to locate?
  - Reports
  - Logs
  - Deployments
  - BWC
  - Video surveillance footage

# Investigation

- Gather and review evidence
- Conduct witness interviews
- Conduct accused interview
- Follow up as needed
- Type investigative report

### Witness Interviews

- Write questions/script
- Copies of documents and/or video
- Location of interview/phone interviews
- Order of witnesses
- Number of witnesses

### Witness Interviews

- Sheriff employee vs. civilian
  - Right to representation?
  - Right to refuse?
- All interviews are recorded
  - Four rules of conduct
  - Order not to disclose

# DEMONSTRATION Witness

### **Accused Interview Questions**

- Write questions/script
  - Did you ... vs. do you remember
  - Open ended vs Yes/No
    - "Tell me about..."
    - "What do you remember about...."
    - Avoid "do you recall"? questions.
  - Ask the hard questions
  - Order of questions
  - Tone of questions

### **Accused Interview**

- Copies of documents and/or video
- Location of interview
- Two supervisors
- Accused employee and representative
- POBOR

### **Accused Interview**

- At time of interview
  - Document/video review
  - Miranda + Garrity = Lybarger
    - Sworn Investigator vs. Professional Staff Investigator
  - Four Rules of Conduct

# DEMONSTRATION Accused

### **POBAR TEST**

### Take a break!

# **Final Reports**



#### **1.** *Investigation* Report

2. <u>Synopsis, Analysis,</u> <u>Conclusion, Findings</u> Report



# **Investigation Report**

#### Investigation

- State the complaint
- Information leading up to event
- Facts
- Statements
  - Synopsize
  - Transcribe
  - Script

# Synopsis, Analysis, Conclusions

 One document which contains the key elements of your investigation as it relates to the allegations, evidence and the findings.

# Synopsis

- Brief overview of the facts in one short paragraph
  - "On June 25, 2016, Deputy Smith was on duty and working at SDCJ. He was involved in a cell extraction and struck Inmate Rios in the head four times with a closed fist. Rios sustained a concussion and filed a complaint stating the force was excessive."

# Analysis

- State allegations
  - "It is alleged Deputy Smith used excessive force during a cell extraction."
- Define applicable P&P violation (s)
  - "The following Department Policy and procedure is applicable...."

 Explain how you determined whether or not allegations occurred and nexus to department/accused

### Conclusions

- Burden of proof
  - "Preponderance of evidence," is defined as "such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth."
    - "In weighing the facts of this case, the evidence demonstrates....."

# Findings

#### Sustained:

Evidence proves it happened

#### Not-sustained:

Unable to prove it happened

#### Unfounded:

Evidence proves it did not happen

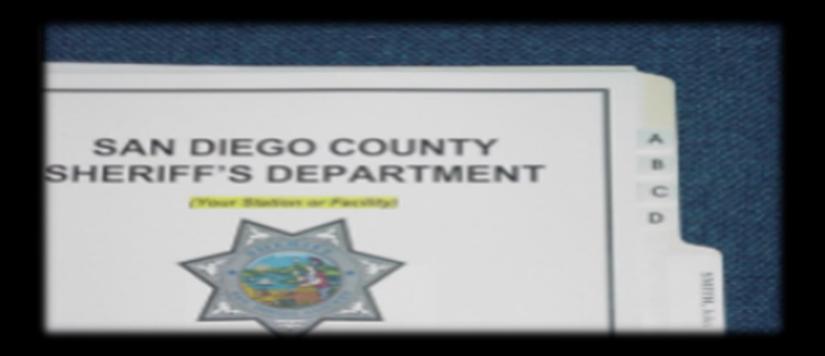
#### Exonerated:

It happened, but was not a policy violation

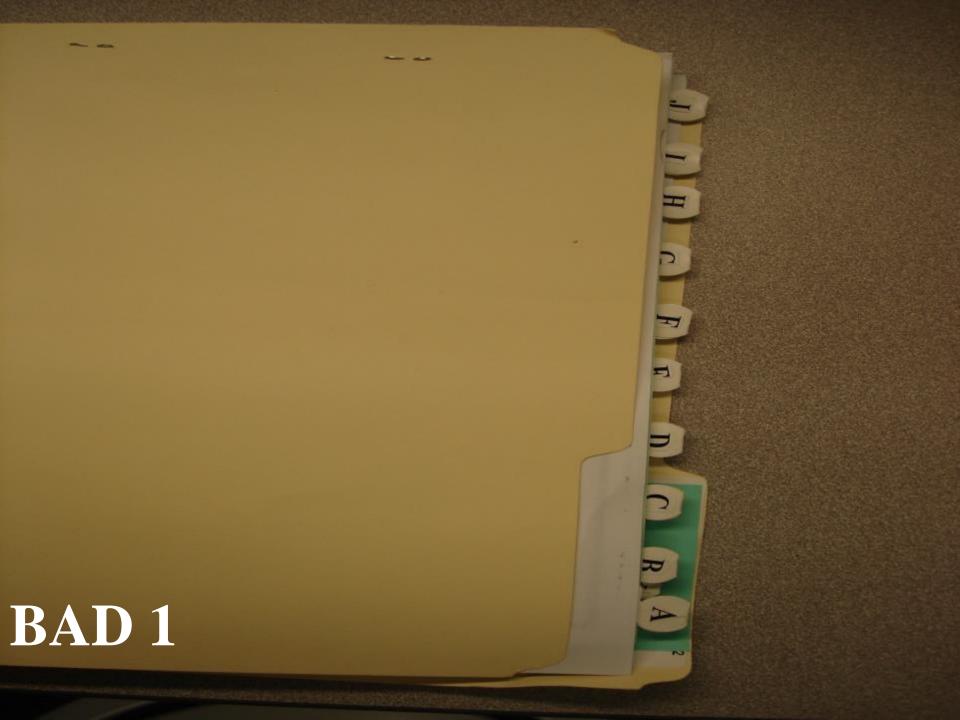
#### Resolved:

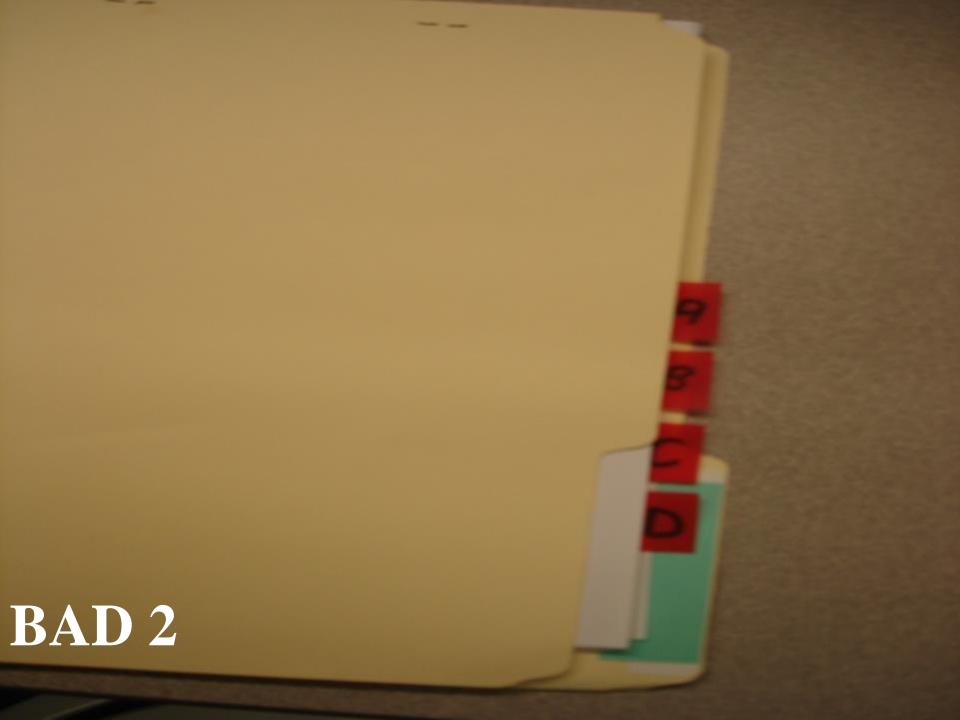
Retired, reassigned or deceased

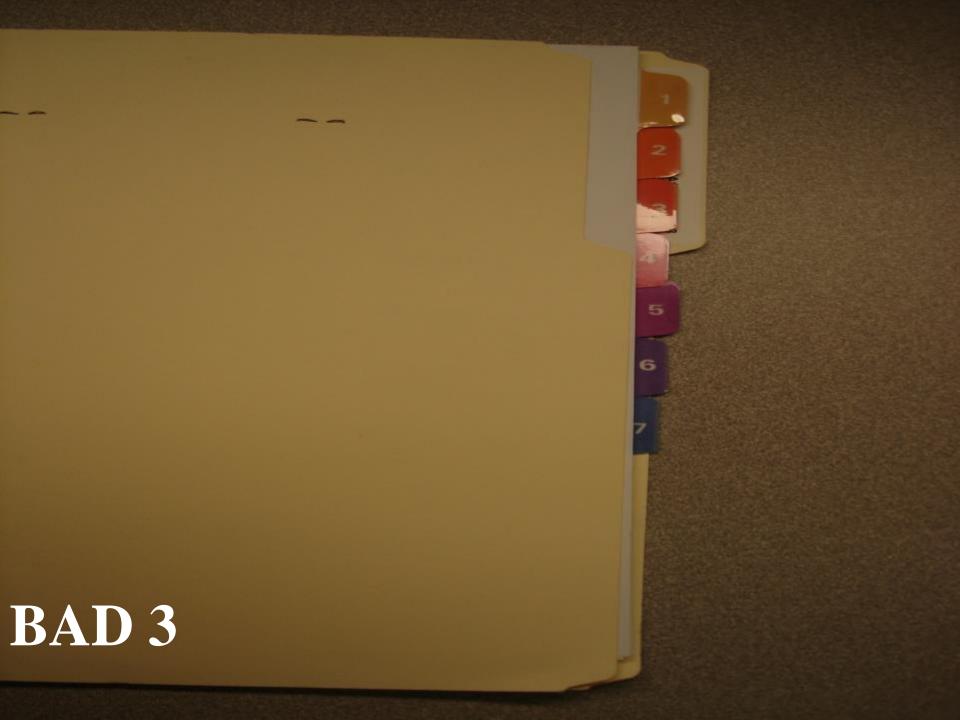
#### **Assemble the Case**

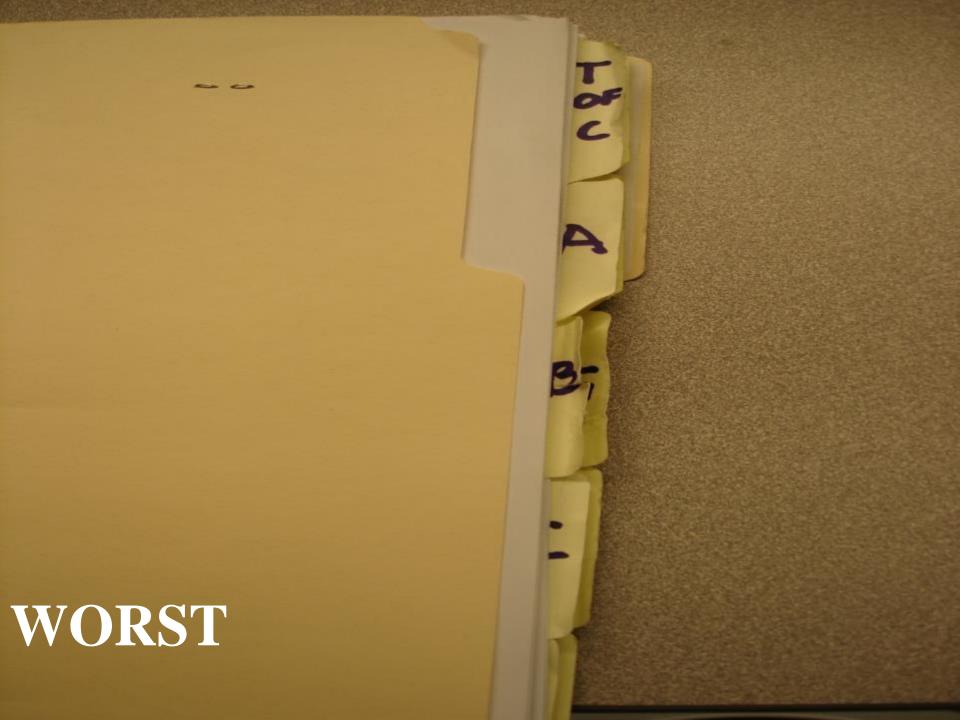


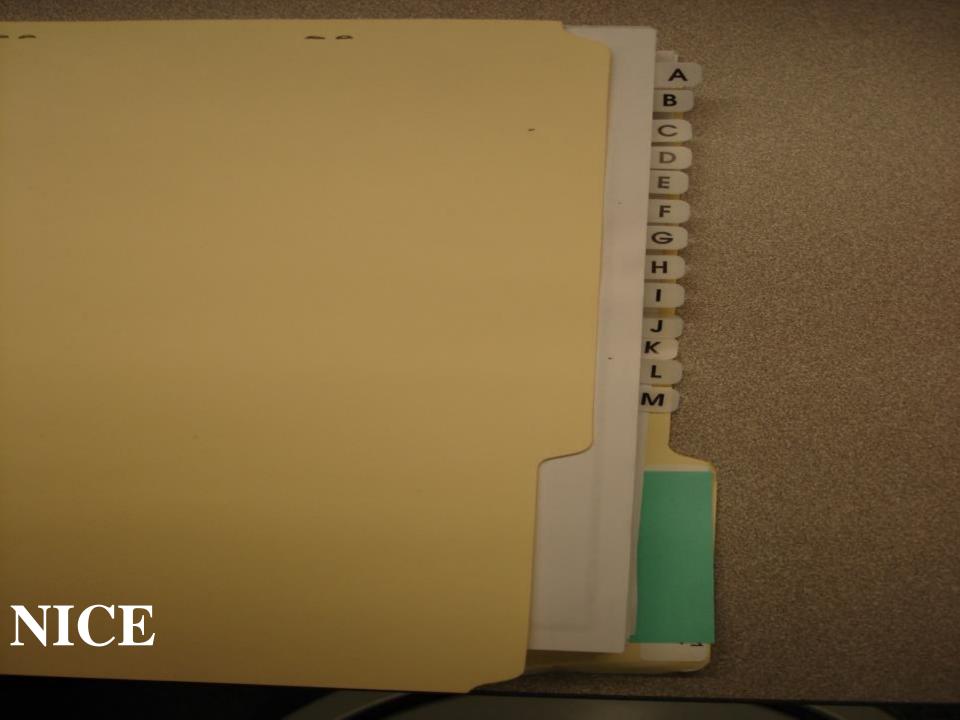
How to Assemble a Case











# **Things to Remember**

- Use IA Liaisons to assist
- Proofread
  - Then proofread again (use your second)
- Your report is basis for discipline recommendation

### What Happens Next?

- Investigation is approved or returned for corrections
- Discipline recommendation by second-level supervisor
- Appeal Process
  - Skelly
  - Civil Service



# **Group Exercise**

#### Instructions

- What are you going to do?
- Identify potential policy violations
- What evidence can you collect?
- Who will you interview?

#### **Best Practices for Supervisors**

- Be a resource for your employees
  - Training
  - Support
  - Discipline
- Resources
  - Peers
  - Supervisors
  - Mentors

# **Administrative Assignment**

- Employees re-assigned to an administrative assignment do not qualify to receive exemplary performance recognition or "attaboys".
  - If employee is not working their normal assignment due to an investigation, they should not be rated while in that position. Their eval should reflect the dates they were assigned to the admin position and should not be rated for that time period.

#### Resources

- Internal Affairs Website
  - Examples/Templates
  - Liaisons
  - Call Peggi (858) 974-2065

#### **YOUR CARDS**



