



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

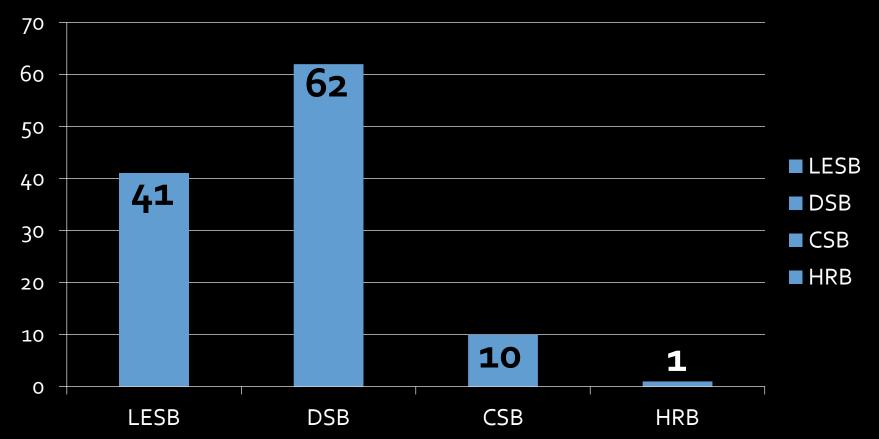
Total complaints received – 463

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

On average about half are handled by IA

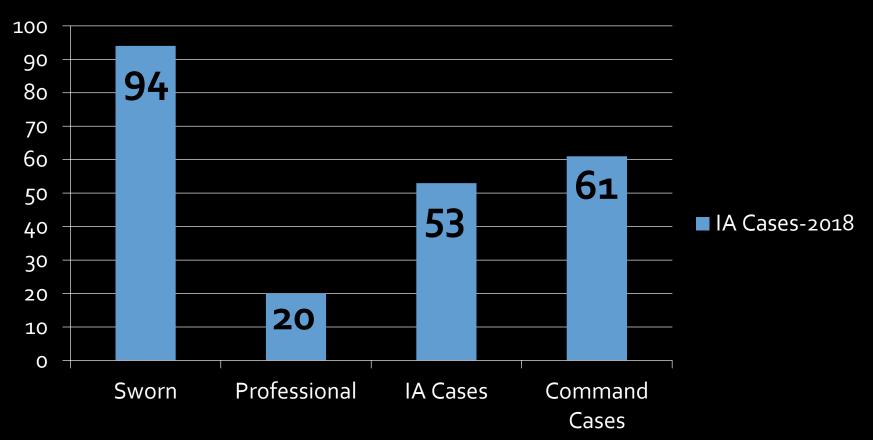
Breakdown

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			
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COMPLAINANT'S NAME		DATE OF BIRTH	TOUTHE FITTE		
COMPLAINANT'S ADDRESS	ci	TY ZIP CODE	BUSINESS PHONE		
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- Who is the complainant?
- Who is the accused?
- What are the allegations?
- When did it happen?
- Where did it happen?
- When was it reported?

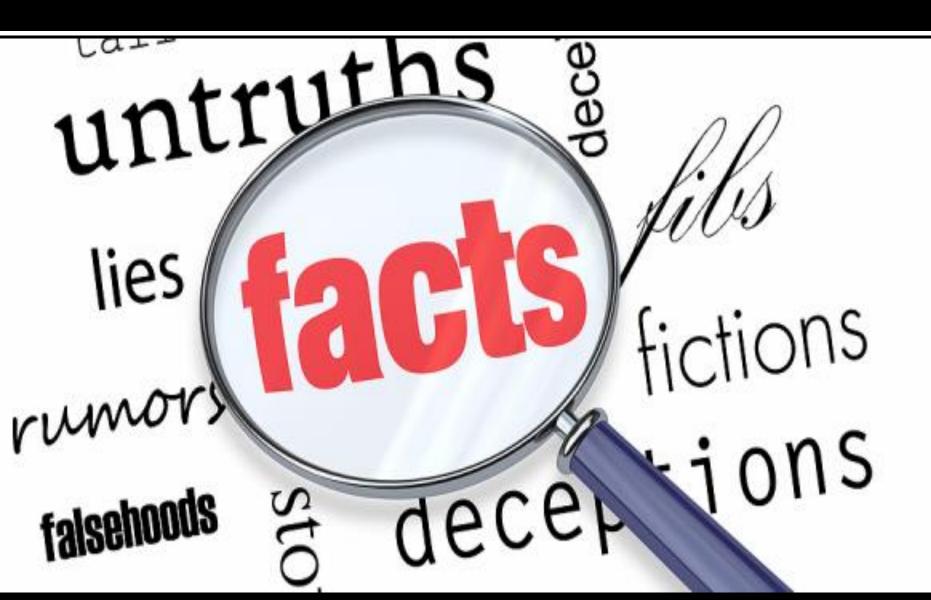
Department Generated Complaint

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		
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COMPLAINANT'S ADDRESS	city	ZIP CODE	BUSINESS PHONE	
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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

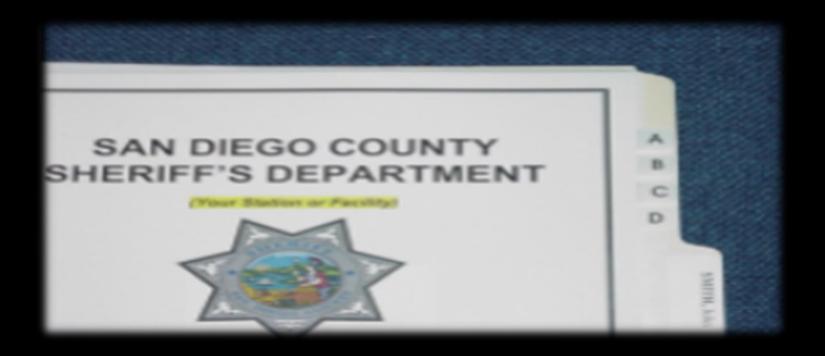
Exonerated:

It happened, but was not a policy violation

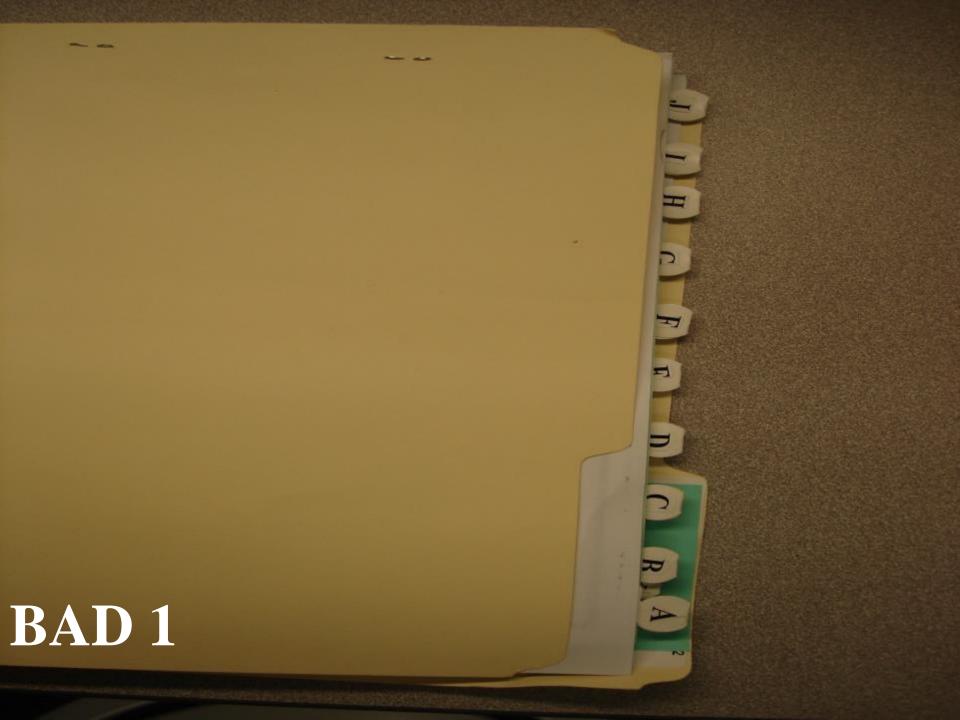
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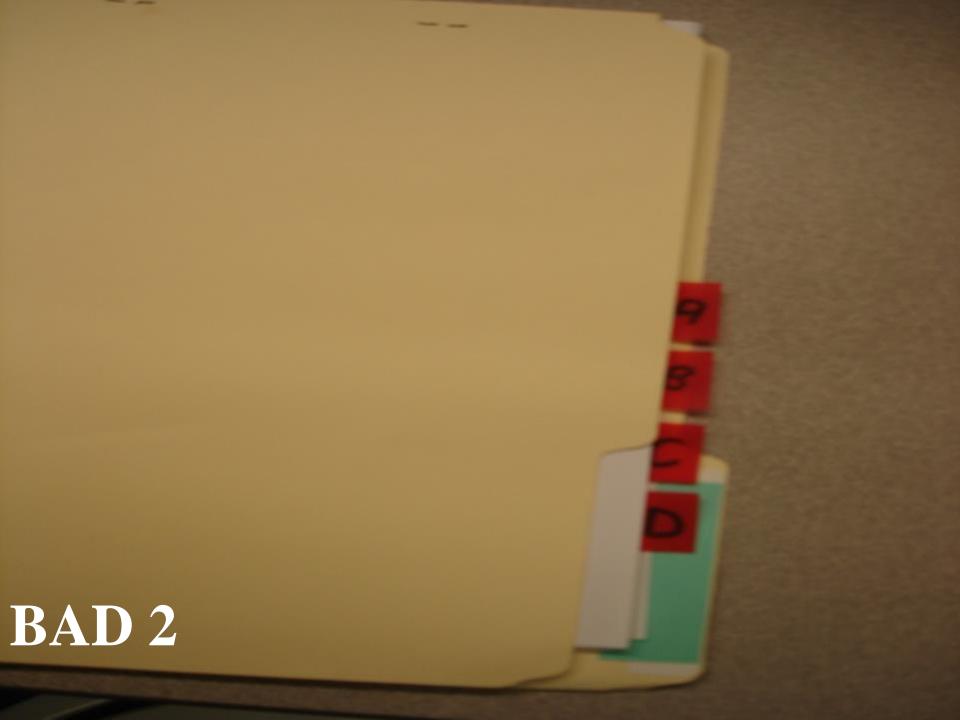
Retired, reassigned or deceased

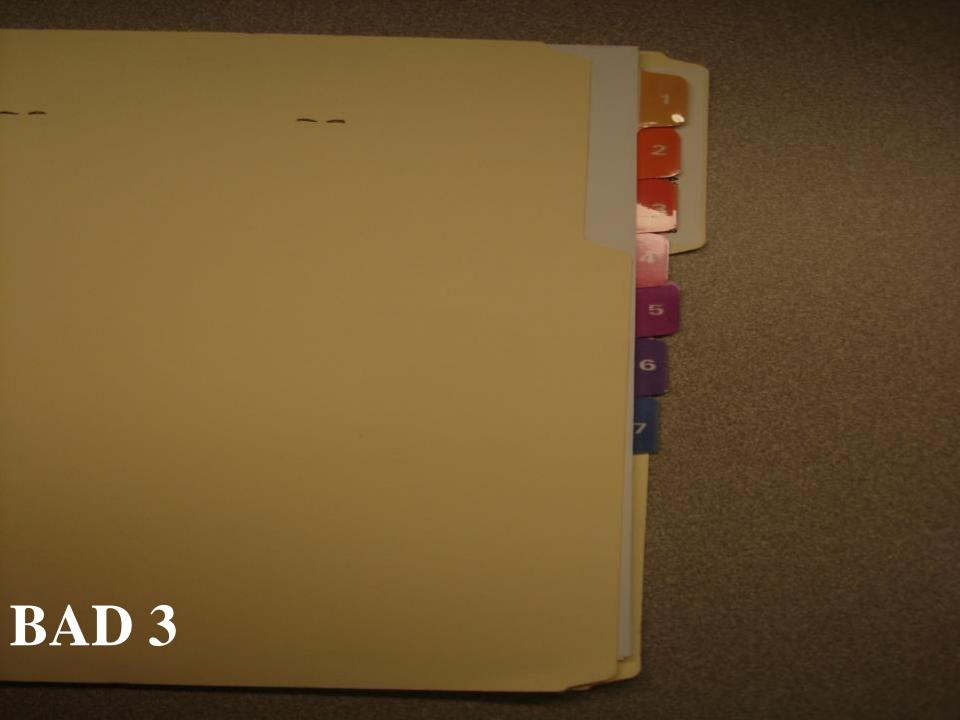
Assemble the Case

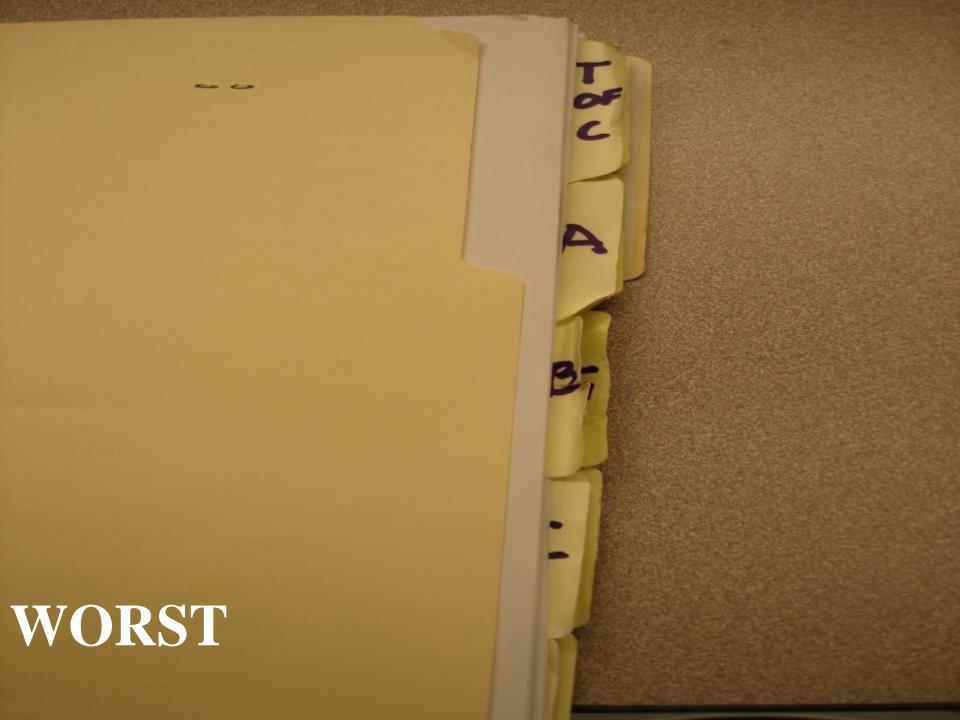


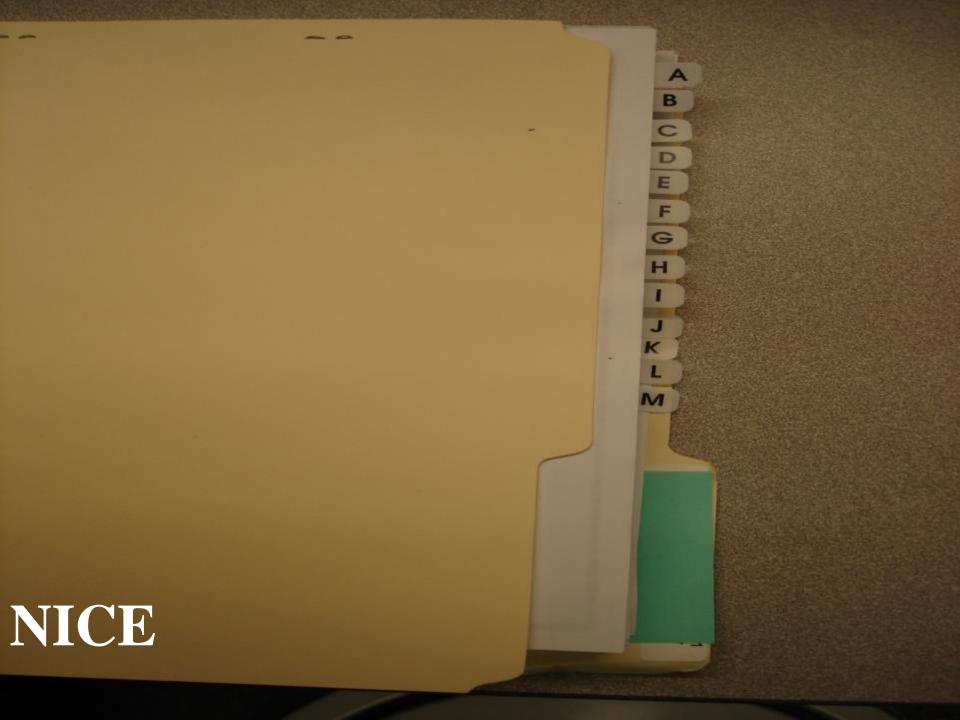
How to Assemble a Case











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



