

**INTERNAL
AFFAIRS**



New Supervisor's Course – September 23, 2019

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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

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

What we DO 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

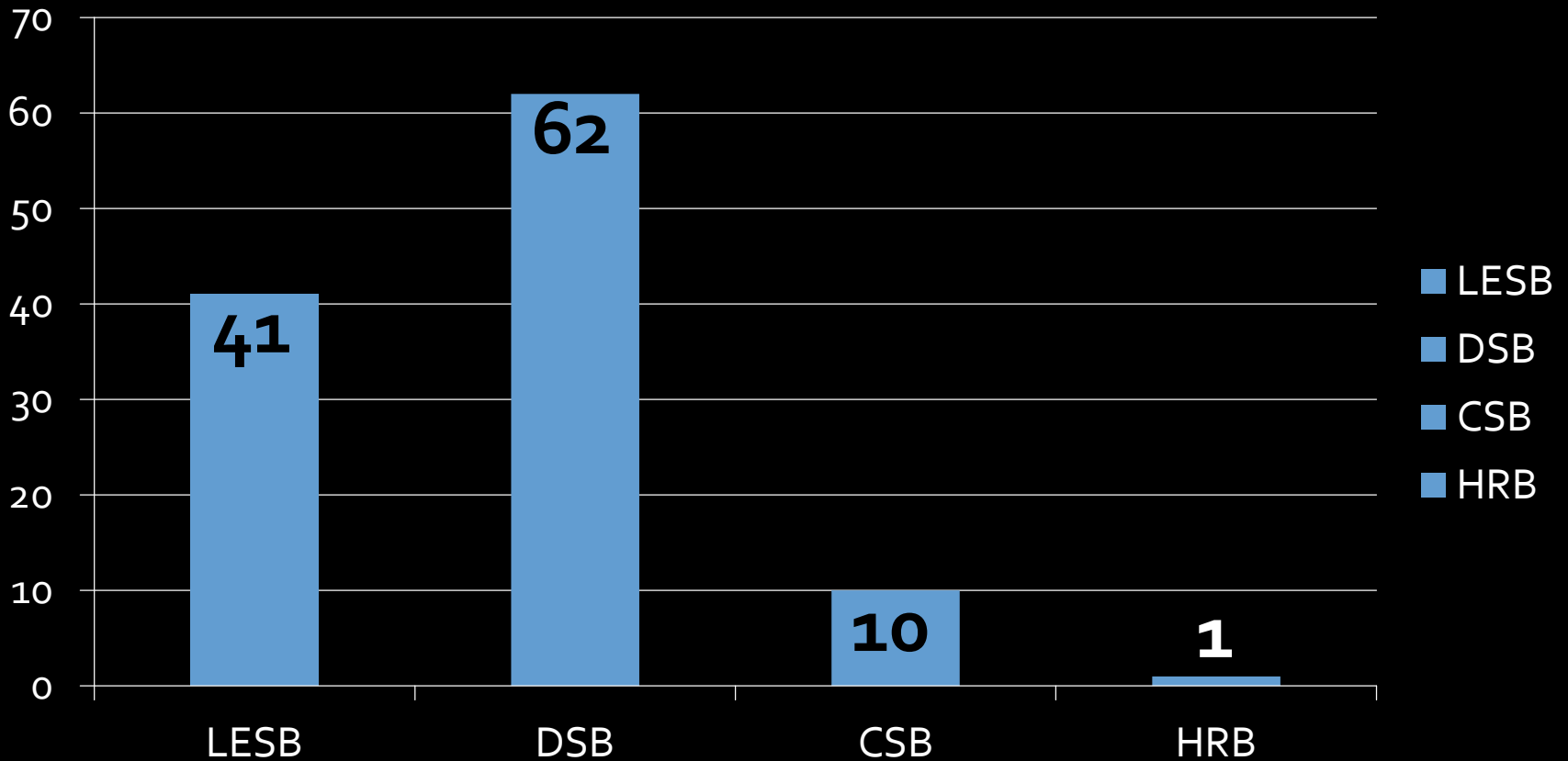
2018- IA Statistics

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

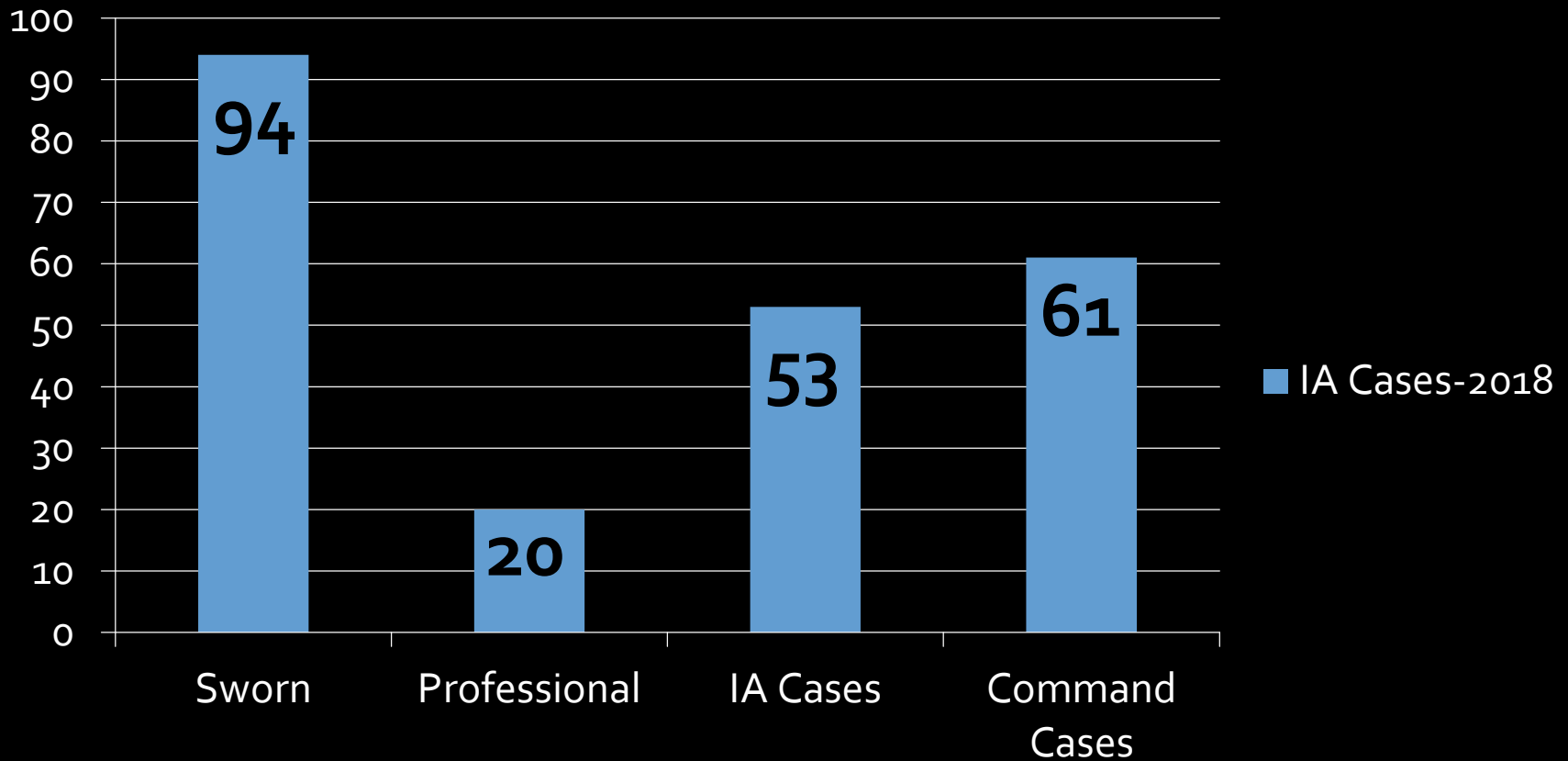
Breakdown

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


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

COMPLAINANT'S NAME		DATE OF BIRTH	HOME PHONE
COMPLAINANT'S ADDRESS		CITY	ZIP CODE
LOCATION OF INCIDENT		CITY	DATE AND TIME OF INCIDENT
NAME(S) OF SHERIFF'S PERSONNEL			
BRIEF NARRATIVE OF COMPLAINT			
CONTINUED ON ADDITIONAL SHEETS <input type="checkbox"/>			
1. DO YOU BELIEVE YOU WERE STOPPED, ARRESTED, SEARCHED, OR DETAINED BY LAW ENFORCEMENT DUE, AT LEAST IN PART, TO RACIAL OR IDENTITY PROFILING (E.G. BECAUSE OF YOUR RACE, COLOR, NATIONALITY, NATIONAL ORIGIN, GENDER, AGE, RELIGION, GENDER EXPRESSION, SEXUAL ORIENTATION, MENTAL OR PHYSICAL DISABILITY)? <input type="checkbox"/> YES <input type="checkbox"/> NO			
2. IF YES, PLEASE EXPLAIN WHAT SPECIFIC PROFILING YOU BELIEVE OCCURRED AND THE BASIS FOR YOUR BELIEF:			
<small>14E & P.C. ADVISORY STATEMENT: YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIANS COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.</small>			
<small>I have read and understand the above statement.</small>			
SIGNATURE OF COMPLAINANT:			DATE:
INTERNAL AFFAIRS USE ONLY			
EMPLOYEE RECEIVING COMPLAINT:		DATE & TIME:	
RECEIVED IN I.A. BY:			
<input type="checkbox"/> IN PERSON <input type="checkbox"/> U.S. MAIL <input type="checkbox"/> MESSENGER MAIL <input type="checkbox"/> OTHER:		NATURE OF COMPLAINT: ASSIGN TO:	
		<div style="border: 1px solid black; padding: 5px; display: inline-block;">I.A. CASE #</div>	

- 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


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 William D. Gore, Sheriff

COMPLAINT FORM

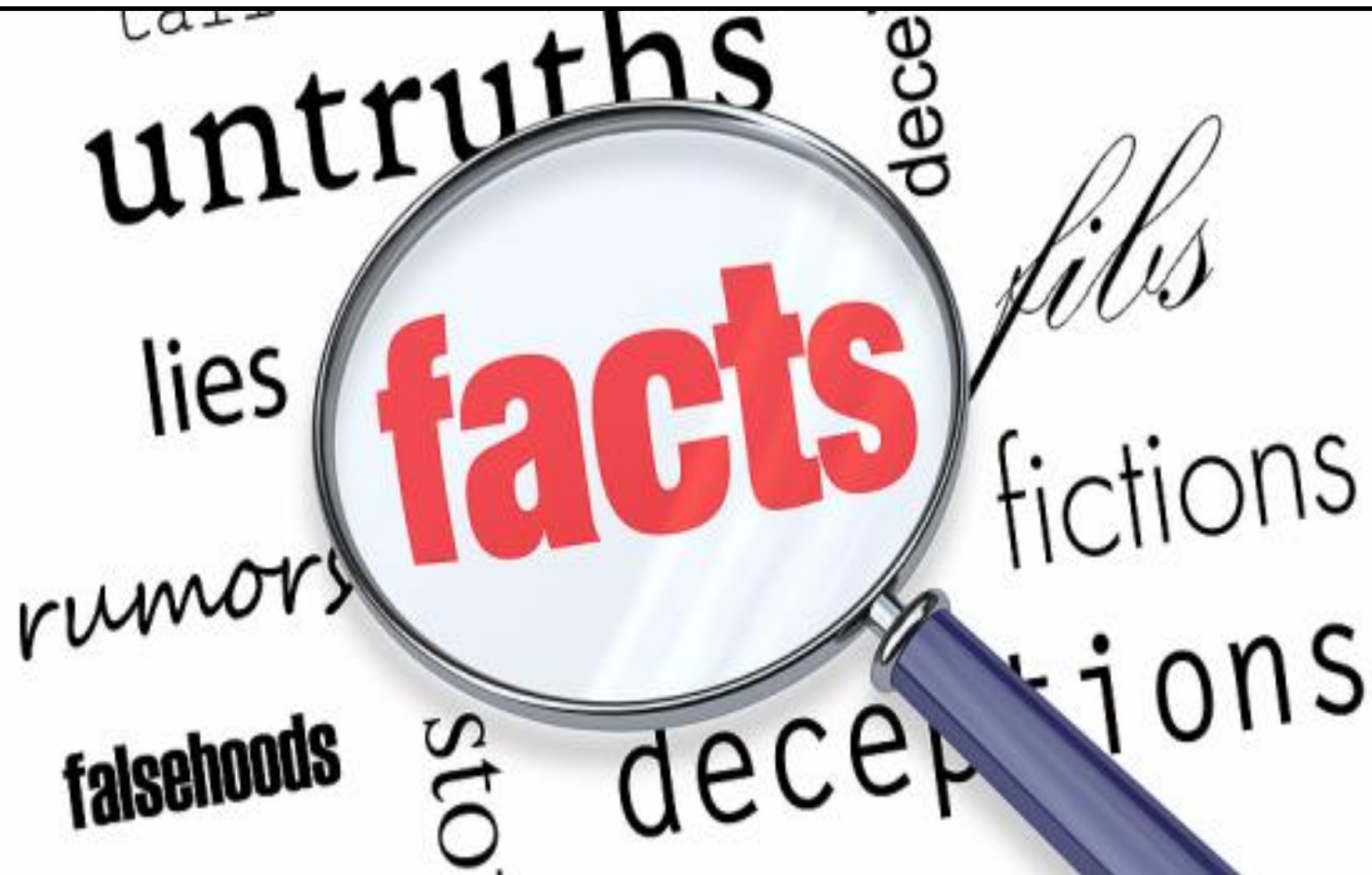
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COMPLAINANT'S ADDRESS		CITY	BUSINESS PHONE
LOCATION OF INCIDENT		DATE AND TIME OF INCIDENT	
NAME(S) OF SHERIFF'S PERSONNEL			
BRIEF NARRATIVE OF COMPLAINT			
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EMPLOYEE RECEIVING COMPLAINT:		DATE & TIME:	
RECEIVED IN I.A. BY:			
<input type="checkbox"/> IN PERSON NATURE OF COMPLAINT:			
<input type="checkbox"/> U.S. MAIL			
<input type="checkbox"/> MESSENGER MAIL ASSIGN TO:			
<input type="checkbox"/> OTHER:			
			I.A. 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

IA Website

1. Investigation Report
2. Synopsis, Analysis, Conclusion, Findings 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](#)

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2

BAD 1

BAD 2

BAD 3

10

H
8
C

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1
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WORST

NICE

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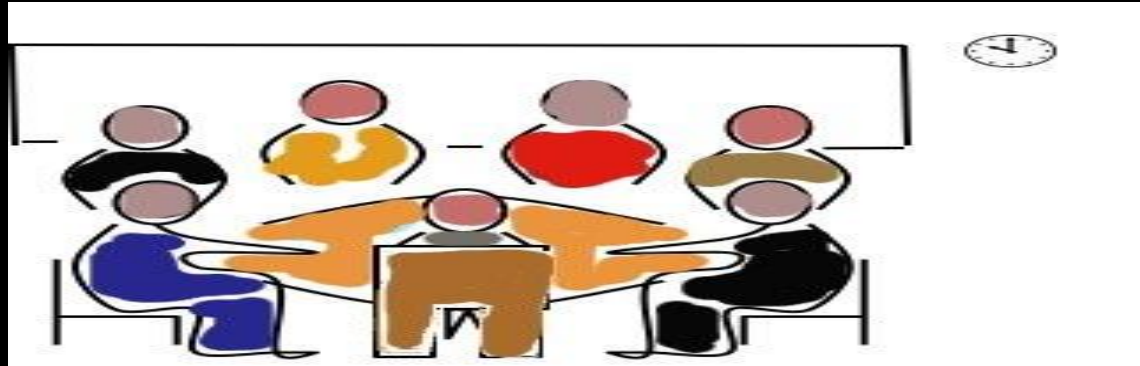


Things to Remember

- 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 "atta-boys".
 - 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

