



INTERNAL AFFAIRS

Lieutenant Ruben Medina
Sergeant David Chandroo
Sergeant Alex Doyle
Sergeant Kamon Harris
Sergeant Richard Madden
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Sergeant Daniel Wilson

Learning Objectives

- Identify tools needed to successfully complete an administrative investigation
- Identify complete administrative investigation components
- Take the mystery out of completing an administrative investigation

Your Experience

- How many have completed an investigation?
- Are you comfortable and confident with the process?
- Good or bad experiences?

Investigator's Goal

- The #1 goal of the investigation is to find the truth
- Focus of the investigation
 - Violation of policy, not the person

Do Not Rush

Quality vs. Quantity

Conduct of Investigator

- “Open mind”
- Treat everyone fairly; with dignity and respect
- Refer to the involved employee as “The Accused”, not as “The Suspect”
- Do not refer to complainants as “Victims”

Supervision

- Being uncomfortable
 - Holding employees accountable
 - Investigating misconduct
 - Abandoning personal Bias
 - Weathering pressure from superiors, subordinates and peers

Department Originated Complaint Form

- Available on Sheriff Intranet in forms folder and the IA website-not for public use
- No complainant name-"Department Originated"
 - Do not list yourself as complainant
 - Do not sign complaint form
- Brief synopsis of event
 - Do not list Rule of Conduct violations

Citizen Complaint Form

- Ask what happened-is immediate action required?
- Handle at lowest level
- Provide two-sided form containing
 - Explanation of the investigative process
 - English and Spanish
- Do not fill out complaint form for complainant

The Complaint

- Received complaints are sent to Internal Affairs
 - All complaints are reviewed by the IA Lieutenant
 - Assigned a case number or
 - Complainant sent correspondence
- IA Lieutenant decides which complaints are assigned to:
 - Command
 - IA Investigator

Disciplinary Process

- Complaint Steps
 - Investigation / Finding
 - Recommendation and Rationale
 - Notice of Intent
 - Skelly Conference
 - Order of Discipline
 - Impose Discipline
 - Civil Service Commission
 - Superior Court

Complaint Categories

- .1 Serious (Conformance to Law; CUBO; Use of Force; Sexual Harassment)
- .2 Minor (Courtesy, some Procedural)
- .3 Traffic

Case Management

- Receive complaint
- Read and understand the complaint
- What are the most appropriate policy sections

i.e.

- 2.3 – Violation of Rules
- 2.6 – Conformance to law

Case Management

- Resources
 - J.I.M.S.
 - KRONOS
 - Shift deployments
 - E-Mails
 - Jail video
 - SDLaw
 - CLETS

Case Management

- Identify witnesses
- Prepare witness questions
 - Use a script
 - Have I.A. liaison review if necessary
- Phone interviews vs. in person
- Record all interviews

Case Management

- Interview complainant first
 - Department generated?
- Interview witnesses next
- Interview accused employee last
- USE ACTIVE LISTENING SKILLS!
- BE PREPARED TO GO OFF SCRIPT

Witness Interview

- Schedule interview
 - No appointment needed
 - If asked, explain right to representation
- The interview
 - Eliminate distractions (radios & cell phones)
 - Rules of Conduct (2.15; 2.38; 2.41; 2.46)
 - Ask employee **on tape** if they understand the sections
 - Close with Order Not to Disclose

Accused Interview

- Schedule interview
 - Explain right to representation
- Lybarger Admonition-Miranda or Garrity?
 - Use sworn staff
- Talk to the employee about the investigation and allegations
 - Be concise and direct
- Two supervisors during the interview
 - Internal Affairs Sergeants are available as second supervisor
 - NOT LAST MINUTE!

Accused Interview

- Prior to starting tape, have employee review four Rule of Conduct sections
 - 2.15, 2.38, 2.41, 2.46
- On tape
 - Ask employee if they read and understand the four sections
 - Acknowledge presence of rep/attorney or their agreement to waive representation
- At the close of the interview, ask employee if they have anything to say on their own behalf
- End with Retaliation Order and an Order Not to Disclose

Accused Interview

- Ask warm up questions first
- Ask direct questions
 - Allow them to speak, no interruptions
 - No leading questions
- Ask the hard questions
- “I don’t recall”
 - Follow up with “Is it possible that it could have happened?”
 - 2.30 – Failure to Meet Standards

Investigation

- The report documents your actions during the investigation
 - Who you interviewed
 - How you collected information
- Synopsise statements
- "*Italicize*" quotes
- Use of transcription can be helpful
 - GS: Did you do it?
 - WK: Well, sort of.

Investigation

- Be accurate about what was said
- No opinions – state what you were told
- Don't be afraid to re-interview witness or accused
- Type investigation after each interview
 - May help with future interviews
 - May help identify other witnesses

Synopsis, Analysis, Conclusion, Findings

- The burden of proof for an administrative case is “preponderance of evidence” which is defined as “such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth.”

Synopsis, Analysis, Conclusion, Findings

- The totality of the investigation
 - What you learned
- Synopsis
 - Briefly describe the allegations
 - Short paragraph
 - Who, what, when, where, and how
 - Should be a neutral position

Synopsis, Analysis, Conclusion, Findings

- Analysis and Conclusions
 - State the allegation
 - Sort out facts of case
 - Define the application P&P section
 - Explain how you determined Findings. Did the event occur, not occur, occur within policy? How do the events relate to the department and accused?

Synopsis, Analysis, Conclusion, Findings

- Preponderance of evidence (51%)
- Brief explanation of allegation, ending with Rule(s) of Conduct & Finding
- Use only Rules of Conduct found in Procedure Section 2
 - 2.3 Violation of Rules used only in conjunction with P&P sections, directives, etc.
 - 2.6 Conformance to Law used only in conjunction with law violations (502 PC)

Synopsis, Analysis, Conclusion, Findings

- Findings
 - Sustained
 - Not sustained
 - Unfounded
 - Exonerated
 - Resolved (No longer used, exception if deceased)
- Separate finding for each allegation
- Separate page of findings for each employee

Case Assembly

- Coversheet
- Table of Contents
- Tabs
 - (A) Complaint form and all associated documents
 - (B) Synopsis, Analysis, Conclusions
 - (C) Witness List & Investigation
 - (D - ??) Attachments
 - Blue insert with CD ROM

Turn in Your Case!

- Goal – Report the truth, nothing else
- Your report is your legacy
- Don't compromise your position by forgetting the trust given to you by the Sheriff
- CONFIDENTIALITY
- Do not use the IA process to supervise

Recommendation & Rationale

- Responsibility of next level supervisor
- Your boss will predicate his/her report on the work you have presented
- A complete and thorough investigation will save him/her embarrassment & you a protracted period of extreme grief

Questions?

Contact Info:



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