

INTERNAL AFFAIRS

NEW SUPERVISOR'S COURSE

INTERNAL AFFAIRS SERGEANTS

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Myths and Truths

1. Rumor or myth you heard about IA
 - *Pink, green or yellow card*
2. Something you want to know related to IA
 - *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
- Fulfill all the legal requirements
- Central hub to store files, ensure proper access or protection of files
- Protect employee rights
- Checks and Balances of SDSO
- Public trust

Internal Affairs Unit

- 1 Lieutenant
- 7 Sergeants
 - *4 LE and 3 Detentions*
- 3 Professional Staff
- 1 960

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 (see next slide)

INTERPERSONAL CONFLICT

- Internal Affairs is an investigative unit, not a mediation tool or first option for resolving workplace differences or performance deficiencies
- Bring matters to supervisors as necessary
- Use appropriate tools and resources (Human Resources/Employee Relations)

Statistics: 2022

- 811 Complaints
 - *549 resolved with correspondence letter*
 - *111 letter to file*
- 112 IA cases opened
 - *Policy or law violations*
 - *IA Investigations vs Command – 58 / 54*
 - *4000+ employees*

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?

Take a break!

Department Generated 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		BUSINESS PHONE
CITY	DATE AND TIME OF INCIDENT	
NAME(S) OF SHERIFF'S PERSONNEL		
BRIEF NARRATIVE OF COMPLAINT		
<input type="checkbox"/> CONTINUED ON ADDITIONAL SHEETS		
1. DO YOU BELIEVE YOU WERE STOPPED, ARRESTED, SEARCHED, OR DETAINED BY LAW ENFORCEMENT (E.G., AT LEAST IN PART, TO RACIAL OR IDENTIFY 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:		

14E.6 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.

I have read and understand the above statement.

SIGNATURE OF COMPLAINANT: _____ DATE: _____

INTERNAL AFFAIRS USE ONLY

EMPLOYEE RECEIVING COMPLAINT: _____ DATE & TIME: _____

RECEIVED IN I.A. BY: _____

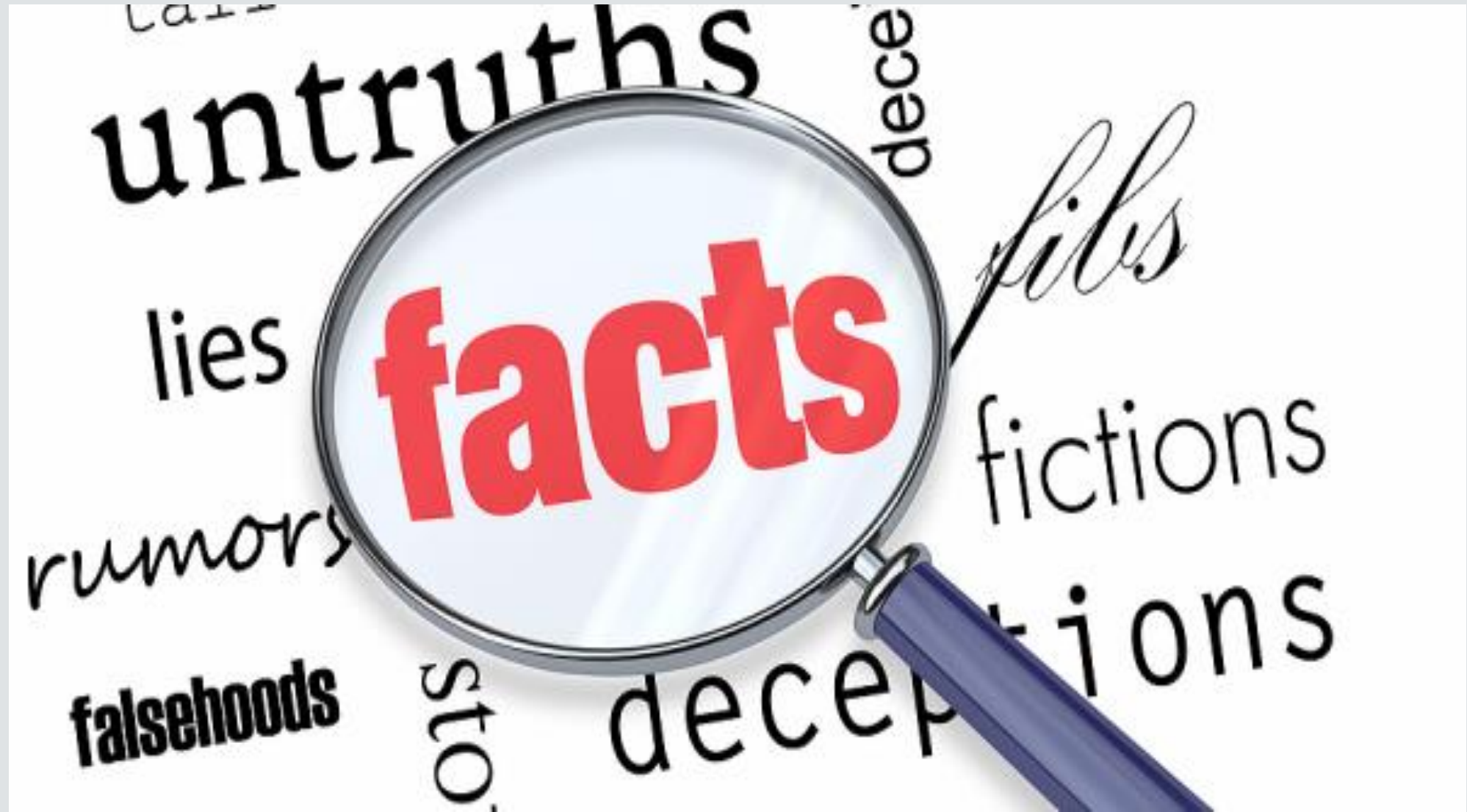
IN PERSON
 U.S. MAIL
 MESSENGER MAIL
 OTHER: _____

NATURE OF COMPLAINT: _____
ASSIGN TO: _____

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

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

- 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*
 - *Four Rules of Conduct*

4 Rules of Conduct

- 2.15 Insubordination

Insubordination is the willful refusal to obey a reasonable and lawful order given and understood. A reasonable and lawful order given to a subordinate shall be followed regardless of the method of conveyance. The willful failure to obey orders constitutes grounds for discipline (including termination).

- 2.38 Intervention

Employees shall not use their position, or knowledge gained by employment with this department, to intervene in, or interfere with any case, or investigation being handled by this Department, or any other agency.

- 2.41 Departmental Reports

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete; no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, nor omit pertinent information reasonably expected to be included.

- 2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.



DEMONSTRATION ACCUSED

Take a break!

Final Reports

1. Investigation Report

2. Synopsis, Analysis,
Conclusion, Findings

Report

IA Website



Investigation Report

■ Investigation

- *State the complaint*
- *Information leading up to event*
- *Facts*

■ Statements

- *Synopsise*
- *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: (NOT USED ANYMORE)**
 - *Retired, reassigned or deceased*

Assemble the Case



[How to Assemble a Case](#)

BAD 1

J
I
H
G
F
E
D
C
B
A

BAD 2

BAD 3

WORST

H80

D

19

11

NICE

A
B
C
D
E
F
G
H
I
J
K
L
M

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*

Resources

- Internal Affairs Website

- *Examples/Templates*
- *Liaisons*
- *Call Office Staff (858) 974-2065*



QUESTIONS