



POLICY AND PROCEDURE

Subject:
INTERNAL AFFAIRS

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104

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By the Authority of:

Chief of Police: Zachary Owen

I. PURPOSE

It is imperative that the agency operates in a degree of transparency and is responsive to complaints alleging officer misconduct, whether it involves ethical misconduct, violations of policy and procedure, violations of state or federal law, or other violations of conduct standards. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by department employees or the conduct of the agency.

II. POLICY

It is the policy of this department to accept and document all complaints alleging employee or department misconduct, as the integrity of the agency depends on the personal integrity and discipline of each employee.

III. PROCEDURES

A. A complaint can originate from any of the following sources:

1. Individual aggrieved person

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2. Third party
 3. Anonymous
 4. Department employee
 5. News media
 6. Governmental department
 7. Notice of civil claim
- B. Complaints can be made by members of the public in person, by telephone, by letter, or by email/other electronic media.
 - C. All complaints, including anonymous complaints against the agency or its employees are to be evaluated for validity and investigated as appropriate.
 - D. Line supervisors may investigate a misunderstanding between a citizen and an employee that breaches a policy of a less serious nature.
 - E. An internal investigation is required following any allegation serious enough to result in suspension, demotion, or termination of an employee.
 - F. The investigator shall report all pertinent matters involving professional responsibility directly to the agency head.
 - G. When information obtained during an investigation indicates that the officer may have committed a criminal violation, investigators shall advise the agency head as soon as possible. If sufficient facts have been developed indicating a probable criminal violation, the matter should be discussed with the appropriate solicitor's office or referred to the appropriate criminal investigative authority.
 - H. Upon referral for criminal investigation or prosecution, the agency will coordinate any further administrative investigation with the criminal investigation authority to ensure that the administrative action does not jeopardize the criminal investigation or prosecution.
 - I. Any allegation of corruption, brutality, misuse of force, breach of civil rights, or criminal misconduct shall be brought immediately to the attention of the agency head. Although the chain of command will normally be used to inform the agency head of complaints against the department or the employee, nothing herein prevents any employee with information about misconduct from reporting to the agency head directly.

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- J. Investigations of administrative complaints should be completed within 45 days of assignment. Extensions may be granted under some circumstances by the agency head.
- K. Employees shall be notified when they have become the subject of an internal affairs investigation unless notification would impede the investigation. Employees are guaranteed all rights provided by federal and state law. Employees will comply with directives and cooperate fully with internal affairs investigations.
- L. The agency head may require an employee to submit to any of the following test or disclosure.
 - 1. Medical or laboratory examination of the employee, to include chemical tests such as blood, breath, and urine.
 - 2. Photographs of the employee
 - 3. Audio or video recording
 - 4. Participation in a line-up
 - 5. Financial disclosure statements
 - 6. Polygraph examination, in accordance with the Garrity decision of the U.S. Supreme Court
- M. An employee may be relieved from duty on a temporary basis by any superior in a position to observe or be reliably informed of conduct or behavior that is serious enough to warrant immediate action. The agency head will be notified immediately if such action is taken.
- N. A final investigative report will be prepared documenting the specific allegations and results of the investigation. This report shall be forwarded to the agency head.
- O. The agency head or designee will make a determination regarding the disposition of the complaint using the following categories:
 - 1. Sustained: the evidence is sufficient to prove the allegation
 - 2. Inconclusive: there was not sufficient evidence to either prove or disprove the allegation
 - 3. Exonerated: the actions of the employee were consistent with the law and department policies, rules, regulations and practiced
 - 4. Unfounded: the allegation did not occur

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- P. The agency is required to maintain a record of all complaints against the agency or employees and confidentiality of these records shall be maintained in a secure area.
- Q. All substantiated complaints must be reported to the South Carolina Criminal Justice Academy via designated online forms. Substantiated complaints include those offenses where an officer was suspended, or meets any of the other criteria as stated in South Carolina Code of Regulations 37-025.
- R. Complainants shall be kept informed throughout the process to include: receipt of complaint, updates, and results of the investigation.
- S. Employees shall be given written notice of any complaints against them, their rights, and the results of the investigation.