



# INTERNAL AFFAIRS INVESTIGATIONS

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<i>C.A.L.E.A.</i> <b>52.1.1 - 52.1.11</b>	<i>Reference</i> <b>Department Disciplinary Philosophy</b>

**INDEX AS:**

- Internal Affairs Investigations Register (IAIR)
- IAIR Forms 1 - 12
- Internal Affairs Investigations
- Knowingly Providing False Information
- Evaluations
- Community Police Review Board
- Discipline

**I. PURPOSE**

The purpose of this order is to establish the policy and procedures for the investigation of complaints made against Department personnel, policies and/or procedures. This order provides the guidelines for the prompt, fair, and impartial investigation and disposition of citizen complaints and allegations.

**II. POLICY**

A. It shall be the policy of the Iowa City Police Department to investigate all complaints made against Department members and / or against Department policies and procedures, regardless of the source of such complaints. This policy shall include the investigation of alleged or suspected violations of law,

ordinances or Department rules, regulations, policies, procedures or orders (written or oral) as reported to Department managers and supervisors by:

1. Members of the Department in any of the following manners: in writing, orally, by telephone, or by correspondence (signed or anonymous).
2. Citizens (including prisoners) who report to any Department member in any of the following manners: in writing, orally, by telephone, or by correspondence (signed or anonymous), or pursuant to the City's Police Citizen's Review Board ordinance.
3. Supervisors or personnel who observe or suspect violations by Department personnel.

B. The thorough, standardized investigations of these types of complaints demonstrates the Department's desire to provide honest, efficient police service and will inspire public confidence in Department personnel. A regulated program of complaint review is established to ensure the fair and impartial treatment of Department members who may become subject to the internal review procedure. Clearly defined policy and procedures permits employees to know what to expect; reassures the public that discipline will be administered, if necessary; and provides a pre-determined method for informing both the public and employees of the disposition of the complaint.

### **III. DEFINITIONS**

#### **A. COMPLAINT**

1. A complaint is defined as an act of expressed dissatisfaction, either oral or written, which relates to department operations, departmental policy, personnel conduct, or alleged unlawful acts. Generally, complaints are based on allegations of misconduct or violations of procedure. A complaint may be filed either internally, that is by a Department member who wishes to report infractions or violations by another member, or externally, such as when a citizen complains about a member of the Department.
2. A complaint includes those filed with the Community Police Review Board pursuant to Ordinance.

#### **B. NON-DISCIPLINARY INCIDENTS OR VIOLATIONS**

1. Non-disciplinary incidents or complaints shall mean complaints or allegations which, on their face, do not involve alleged violations of law, rules, regulations, general orders or procedures of the Police Department.

#### **C. NON-PUNITIVE INCIDENTS OR VIOLATIONS**

1. Non-punitive incidents or violations shall mean incidents or complaints which, on their face, allege infractions of rules, regulations, general orders, or procedures by Police Department personnel for which the apparent appropriate disciplinary action is counseling and/or written warning or

written reprimand by use of the departmental Report of Inquiry/Incident form.

**D. PUNITIVE INCIDENTS OR VIOLATIONS REQUIRING AN INVESTIGATION WITHIN THE CHAIN OF COMMAND (Supervisory Review)**

1. Punitive incidents or violations shall mean incidents or complaints which, on their face, allege violation(s) of the law, rules, regulations, general orders, or procedures by Police Department personnel for which the apparent appropriate disciplinary response consists of punitive action ranging from loss of privileges to suspension, demotion, and/or dismissal.

**E. PUNITIVE INCIDENTS OR VIOLATIONS REQUIRING AN INVESTIGATION OUTSIDE OF THE CHAIN OF COMMAND (Full IA)**

1. Punitive incidents or violations of requiring a full IA shall mean incidents or complaints of a more serious nature which, on their face, allege violation(s) of the law, rules, regulations, general orders, or procedures by Police Department personnel for which the apparent appropriate disciplinary response consists of punitive action ranging from loss of privileges to suspension, demotion, and/or dismissal.

**F. CHIEF OF POLICE TO DETERMINE TYPE OF INVESTIGATION**

1. The Chief of Police, at their discretion, shall determine which type of investigation shall be followed.

**IV. AUTHORITY AND RESPONSIBILITY**

**A. COMMANDING OFFICER, FIELD OPERATIONS**

1. The Commanding Officer, Field Operations, shall be responsible for the internal affairs investigation function of the Department for incidents requiring investigation within the chain of command.
2. The Commanding Officer, Field Operations, shall report directly to the Chief of Police about the progress of complaint investigations and dispositions of all such investigations.
3. The Chief of Police or the Commanding Officer, Field Operations may assign the investigation of internal affairs cases to personnel from other divisions, sections or units within the Department, if it is determined that this course of action is in the best interests of the Department.
4. If the complaint is against the Commanding Officer, Field Operations, the complaint will be submitted directly to the Chief of Police who either may assign the investigation to another command officer or may handle it personally.

5. After notifying the Chief of Police, the Commanding Officer, Field Operations, shall contact the City Attorney's Office and the County Attorney's Office when internal investigations concern possible violations of criminal law. This contact may be for notification and/or legal advice or assistance in case preparation.

#### B. COMMANDING OFFICER, ADMINISTRATIVE SERVICES

1. The Commanding Officer, Administrative Services, shall be responsible for the internal affairs investigation function of the Department for incidents requiring investigation outside the chain of command.
2. The Commanding Officer, Administrative Services, shall report directly to the Chief of Police about the progress of complaint investigations and dispositions of all such investigations.
3. The Commanding Officer, Administrative Services shall assign the investigation of internal affairs cases to personnel from other divisions, sections or units within the Department. Those personnel shall report directly to the Commanding Officer, Administrative Services.
4. If the complaint is against the Commanding Officer, Administrative Services, the complaint will be submitted directly to the Chief of Police who either may assign the investigation to another command officer or may handle it personally.

#### C. ALL SUPERVISORY AND COMMAND PERSONNEL

1. Supervisory and command personnel shall cause to be initiated an internal affairs investigation when the action alleged is an infraction/violation of State Code, Federal laws, City ordinance or Department policy and within the scope of their authority for the initiation of this action. Examples of complaints which will be investigated by the Internal Affairs function are: allegations of corruption, brutality, misuse of force, violations of individual civil rights, criminal conduct, etc. This is not a complete listing of such examples, but is an example to provide guidance for supervisory personnel. These types of complaints will be documented on the departmental Report of Inquiry/Incident form and directed to the COFO.
2. Supervisory personnel shall investigate complaints, verbal or written, which do not involve alleged violations of Federal or State law, City ordinance, or Departmental policy which come to their attention, as an example, alleged rudeness, not providing information about a ticket or arrest, tardiness, incomplete reports, insubordination, etc. This is not a complete listing of such examples, but is an example to provide guidance for supervisory

personnel. These types of complaints will be documented on the departmental Report of Inquiry/Incident form.

#### **D. ALL DEPARTMENT PERSONNEL**

1. It shall be the duty of all Department personnel to report an action which may be a violation of laws, ordinances, rules, regulations, policies, procedures, or orders by any other Department member to the immediate supervisor of the employee engaging in said action.

### **V. INTERNAL AFFAIRS INVESTIGATION REGISTER**

- A. The Internal Affairs Investigation Register (IAIR) is designed to provide the Iowa City Police Department with a control device to assure that complaints, which on their face, allege a violation for which the appropriate disciplinary action would be punitive in nature, (as defined in Section III D 1), will be investigated. These include, but are not limited to, complaints received by the Department, or which originate through action of a Departmental member, or complaints received from the CPRB.
- B. The IAIR will be maintained by the Commanding Officer, Field Operations Division. Entries in the IAIR shall contain sufficient and accurate information of both the allegations and the disposition of the complaint. The IAIR will be maintained in a secured area.
- C. Complaints logged in the IAIR will be reported to the Chief of Police by the Commanding Officer, Field Operations.
- D. To ensure that required investigations are being completed within a reasonable time, periodic inspections of the IAIR will be made by the Commanding Officer, Field Operations and status reports will be forwarded to the Chief of Police.
- E. The Commanding Officer, Field Operations shall assign a control number to each complaint received and record the number in the IAIR, and on the copy of the complaint form.
  1. The numbering system shall be sequential, prefixed by the year, i.e., 02-01, 02-02.

### **VI. REPORTING PROCEDURES**

- A. A written record of all complaints against the Police Department or its personnel shall be maintained regardless of the nature, scope, or reasonableness of the complaint.

- B. Compliance with the following procedures is the responsibility of the supervisor and/or member addressing the complaint.
1. Conduct a preliminary examination of the complaint.
  2. Ensure that the complainant understands the state statutes concerning "obstructing justice" and false reports to law enforcement authorities. (Attachment A)
  3. Complete a Report of Inquiry Form (IAIR Form 2)
    - a) If on the face of the allegations, which if taken as true, there is a clear indication that the officer or employee did nothing improper, then the Report of Inquiry Form shall be completed, indicating same, and forwarded through the chain of command to the Commanding Officer, Field Operations Division.
    - b) If, on the face of the allegations, which if taken as true, the complaint or allegation is minor and within the scope of the supervisor's authority, the supervisor may resolve the complaint by use of the Report of Inquiry/Incident form, and forward the report and results to the Commanding Officer, Field Operations Division.
    - c) When it appears that an officer or employee may have violated state or federal law, city ordinance or Department policies and procedures, the Report of Inquiry shall be forwarded to the Commanding Officer, Field Operations, within 24 hours of the complaint.
    - d) The Commanding Officer Field Operations shall maintain the Report of Inquiry/Incident forms. Supervisors shall review an officer's Report of Inquiry/Incident form(s) when completing a subordinate's annual evaluation.
    - e) When it appears that an officer or employee may have committed an illegal or criminal act or may have violated a person's constitutional rights, the Report of Inquiry shall be forwarded to the Commanding Officer, Field Operations within 24 hours of the complaint. Commanding Officer, Field Operations shall forward a copy to the Chief of Police within 24 hours of receiving the Report of Inquiry.
    - f) The City Attorney's Office shall be consulted when there is an allegation which on its face alleges illegal/criminal activity, civil rights violations, gross negligence, or excessive use of force.
    - g) All Report of Inquiry Forms shall be submitted for approval by the Commanding Officer, Field Operations level, prior to being forwarded to the Chief of Police.

- C. Within 72 hours of receipt of Report of Inquiry form by the Commanding Officer, Field Operations, a determination shall be made as to whether an internal investigation will be initiated. The accused member should be notified of the investigation decision within this 72-hour period. In exceptional circumstances, i.e., allegations of on-going criminal activity, the Commanding Officer, Field Operations, with the approval of the Chief of Police, may waive this notification.
- D. The Chief of Police or designee, shall contact the complainant within seven (7) calendar days of receiving the complaint and inform the complainant of receipt (IAIR Form 1) and the status of the complaint. Included in this contact will be an offer of informal mediation by the Chief.
- E. Internal Affairs investigations pursuant to complaints shall be completed within sixty (60) calendar days of receipt of the initial complaint. An extension may be granted by the Chief of Police where extenuating circumstances exist. Status reports on the investigation of complaints shall be submitted to the Chief of Police every seven (7) calendar days to assist in this determination.
- F. If an investigation continues beyond sixty (60) calendar days, a status report will be provided to the complainant by the assigned investigator. A copy of the status report will be forwarded to the Commanding Officer, Field Operations.

## VII. INVESTIGATIVE PROCEDURES

- A. The Chief of Police may require an employee to submit to a medical or laboratory examination, to be photographed, to submit financial disclosure statements, or participate in a line-up, when such information or actions are specifically directed toward and narrowly related to a particular internal affairs investigation. Failure to follow a direct order of this nature shall constitute a separate infraction and may result in termination. (However, if an internal investigation involves allegations of criminal actions, employees shall be afforded all their legal or constitutional rights.)
  - 1. The City Manager may impose the requirements of paragraph A above. when the complaint is directed toward the Chief of Police.
- B. An employee under investigation may not be compelled to submit to a polygraph, Voice Stress Analysis, or any other instrument designed to detect deception. However, an employee under investigation may voluntarily submit to such examination after being made aware that such actions are strictly voluntary, and refusal to submit does not imply any guilt or admission of the violations. The results of the examination shall not be used in any commission hearing, court or trial as evidence of guilt or innocence, unless agreed to by all parties.

- C. Based on the requirements of Iowa law, an employee may be required to submit to a medical or laboratory examination, at the agency's expense, when the examination is specifically directed toward and narrowly related to a particular internal affairs investigation being conducted by the agency. An example of the use of this process is determining drug use by employees. An employee may also be required to be photographed, to participate in a line-up and/or submit to a financial disclosure statement when the actions are material to a particular internal affairs investigation being conducted by the Department or an outside agency. The above will always be based on the requirements of Federal law, Iowa law, and any case law, and precedent thereunder when not in conflict with any labor law or signed labor agreements.
- D. The assigned investigator conducting an internal investigation shall conduct the investigation fairly and impartially toward both the complainant and police personnel.
1. The assigned investigator(s) shall conduct such interviews as are deemed necessary in order to accumulate all necessary evidence and facts pertaining to the complaint as determined by the Commanding Officer, Field Operations.
  2. The assigned investigator shall follow state law, city ordinance, and labor contracts concerning disciplinary actions utilizing the appropriate forms depending on the alleged violation.
    - a) Notification of Complaint / Investigation (IAIR Form 3).
    - b) Request / Waiver of counsel (IAIR Form 4).
    - c) Administrative Proceeding Rights Form (IAIR Form 5).
    - d) Criminal Rights Form for alleged violations of Criminal Law (IAIR Form 6).
    - e) Compelled statement advisory notification form.
  3. At the conclusion of the investigation, the Commanding Officer, Field Operations shall submit an Internal Investigations Report to the Chief of Police for review and approval, in the format as outlined in IAIR Form 7.
  4. The investigating officer(s), upon completing the internal investigation, shall conclude the report by classifying the individual allegations into one of the following categories:
    - a) Unfounded: The investigation indicates that the act(s) complained of did not occur or did not involve police personnel.



- b) Exonerated: The complained of acts did occur, but were justified, lawful, and proper.
  - c) Not Sustained: The investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
  - d) Sustained: The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
  - e) Policy Failure: Investigation reveals that the alleged acts did occur and were improper; however, the officer was acting in accordance with established Department policy.
5. The investigative report and finding(s) shall be forwarded to the Commanding Officer Field Operations for review. COFO may:
- a) Accept the report and finding(s) of the investigating officer(s).
  - b) Return the report for further investigation, or
  - c) Reclassify the complaint as mentioned in #4 above.
6. When the act complained of is a criminal offense, and the evidence from the above investigation establishes probable cause that the act was committed, the Commanding Officer, Field Operations shall forward the information to the Chief of Police, who shall notify the City Attorney's office, and in consultation with the City Attorney's office shall decide whether:
- a) the County Attorney's Office shall be involved; and
  - b) the accused person(s) should be arrested forthwith; or
  - c) a warrant for arrest should be first obtained; or
  - d) criminal action should be delayed pending further investigation; or
  - e) request assistance from another law enforcement agency.
7. Status Reports - The Internal Affairs Investigator will provide the following information:
- a) Provide a weekly status report, verbal or written, to the Commanding Officer, Field Operations.
  - b) Cause to be provided a status report to the complainant within sixty (60) calendar days.

## VIII. INVESTIGATION SUMMARY OF FINDINGS

- A. Upon final receipt of the Internal Investigation Report (IAIR Form 7), the Commanding Officer, Field Operations, shall review the report for completeness.
- B. If the complaint is sustained, the report shall include:
  - 1. Prior disciplinary action against the employee.
  - 2. Recommended disciplinary action believed to be appropriate, based on the investigation results and the employee's employment history.
- C. In cases involving complaints against the Commanding Officer, Field Operations, all matters will be handled by the Office of the Chief of Police.
- D. In cases where complaints are against the Chief of Police, all matters will be handled by the City Manager or his/her designee.
- E. Final approval of internal investigation recommendations shall be decided by the Chief of Police except under Subsection C above. The Chief of Police shall have authority to modify any such recommendations in any manner deemed appropriate by the Chief of Police.

## **IX. DISPOSITION OF INTERNAL INVESTIGATION FINDINGS**

- A. Complaints that are determined to be "sustained" will be filed in the employee's personnel file by the Chief of Police. Allegations that are determined to be "unfounded", "exonerated", "not sustained", or result in a "policy failure" finding shall be filed by the Chief of Police in the internal investigation file with the Commanding Officer, Field Operations, and shall not be entered in the employee's personnel file.
- B. The officer or employee who is the subject involved in the investigation shall be notified of the disposition by IAIR Form 8, as will any outside complainant by IAIR Forms 9, 10, 11, and 12.

## **X. CONFIDENTIAL NATURE OF INVESTIGATIONS**

- A. Many mistaken or even deliberately false reports and accusations are made against police officers. In some instances, the most conscientious and hard-working officers will be the subject of such reports. In order to ensure the integrity of the Department, it is necessary to investigate completely and thoroughly all reports and accusations from all sources. This must be done. At the same time, the reputations and good names of innocent police officers must be protected. This is important to Departmental and individual morale, and to the effectiveness of police operations.

- B. Sustained cases and the disciplinary actions taken may be a matter of public information pursuant to Iowa Code Chapter 22. The public nature of such cases and any disciplinary action thereunder shall be decided by the Chief of Police on a case-by-case basis in consultation with the City Attorney's Office. All other cases will be regarded as confidential and the records of such cases will be maintained in the office of the Commanding Officer, Field Operations.

## **XI. DISCIPLINARY AUTHORITY**

- A. Any Department Supervisor may impose a fully-paid emergency Administrative Leave of Absence on a member or employee when it appears necessary to preserve the efficient and safe operation of the Department. The supervisor shall promptly notify the Commanding Officer, Field Operations, who shall promptly notify the Chief of Police.
  - 1. Any person so relieved of duty shall be instructed to report to the Office of the Chief of Police at 9:00 a.m. on the next business day, unless otherwise instructed.
    - a) The Supervisor imposing or recommending the Administrative Leave of Absence will report at the same time.
- B. Supervisory personnel may take the following disciplinary measures:
  - 1. Written recommendation for disciplinary penalties.
  - 2. Recommendations for discipline within an employee evaluation.
  - 3. Initiate written reprimand with documentation. Copies of all such written reprimands shall be forwarded to the personnel department for inclusion in the employee's Personnel file.
  - 4. Written warning or written reprimand with documentation. All such written documentation for discipline and/or documented written warnings or written reprimands shall be forwarded to the Iowa City Personnel Administrator for inclusion in the subject employee's Personnel File.
- C. Final Department authority and responsibility for discipline rests with the Chief of Police.
- D. The Chief of Police has full power and authority to reprimand, suspend, demote, or terminate any Department member for disciplinary purposes. Such employee retains all rights of appeal under applicable laws in accordance with and subject to the provisions of Iowa Code Chapter 400 and collective bargaining agreements.

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Samuel Hargadine Chief of Police

**WARNING**

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

## **ATTACHMENT "A"**

### **718.6 False Reports to Law Enforcement Authorities (Iowa Code)**

A person who reports or causes to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the same did not occur, commits a simple misdemeanor, unless the alleged criminal act reported is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

### **719.3 Preventing Apprehension, Obstructing Prosecution, or Obstructing Defense (Iowa Code)**

A person who, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly does any of the following acts, commits an aggravated misdemeanor:

1. Destroys, alters, conceals or disguises physical evidence which would be admissible in the trial of another for a public offense, or makes available false evidence or furnishes false information with the intent that it be used in the trial of that case.
2. Induces a witness having knowledge material to the subject at issue to leave the state or hide, or to fail to appear when subpoenaed.