


# City of Alpharetta Department of Public Safety

01-12 Internal Affairs			
Distribution: All Police Personnel	Date Issued: 07/2004	Date Revised: 07/18/2024	Date Effective: 07/18/2024
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**PURPOSE:** Establish policy and procedures whereby an effective evaluation of alleged misconduct may be assessed and judged fairly and impartially. In conjunction with the rules and regulations and other policies that govern our behavior, to establish a process for a review and investigation of all complaints against the Department, its officers, members, and employees that ensures the process is consistent and equitably applied, and all complaints and allegations are resolved.

**DEFINITIONS:** **Complaint** - Action taken by a citizen or employee to focus administrative attention toward any action or inaction by an officer or employee which the complainant considers to be illegal, contrary to proper procedure or conduct, or is in any manner prejudicial to that citizen/employee, the department, or community as a whole. Complaints may be initiated only by the affected party in written form through the completion of the departmental Standardized Complaint Form (SCF) after interview by a supervisor.

Complaints concerning juveniles may be initiated by a parent or guardian, but the juvenile must be available for interview. In the case of incapacitated individuals, a complaint may be initiated by a third party on the behalf of the complainant until such time as the complainant may be interviewed. All complaints will be given full attention.

**Posting Procedures** - Procedures to be followed in registering complaints against this agency or its employees will be posted at the information desk in the lobby of the police headquarters building and made available to the public.

**POLICY:** The Department is always evaluated and judged by the conduct of individual members. It is imperative the entire organization not be subject to public censure because of the misconduct of one or more of its personnel. When an informed public knows its Department of Public Safety honestly and objectively investigates and adjudicates allegations of misconduct, the public is less likely to become indignant over incidents of misconduct.

It shall be the policy of the Alpharetta Department of Public Safety to implement an internal system of inspection having the authority and responsibility, at the direction of the Chief of Public Safety, for the investigation of all complaints and allegations of misdeeds, misconduct, and illegalities assuring the professional integrity of the Department and its employees.

Further, when complaints are received by any officer, member or employee regarding any misconduct or violation of law, it shall be his/her responsibility to document and report the allegation or complaint to the next level of supervision that is not a subject of or involved in the complaint. Upon inquiry, or when practical and appropriate, the Department shall advise the public through the media and/or other sources the procedures through which complaints may be filed regarding the Department or its employees and officers.

## **I. COMPLAINT CLASSIFICATION (01-12-01)**

**A. Complaint Classification:** All complaints received by the department will be classified according to the nature of the complaint. The classification will be either a **Level 1** or a **Level 2**. This classification will be utilized for the appropriate assignment of investigative responsibility.

- 1. Level 1:** Complaints which indicate minor infractions of any rules or regulations, procedural infractions, or acts such as rude or discourteous conduct shall be included in the classification. This list is a basic guide but is not all-inclusive. Any complaint may be placed in this classification upon the direction of the Chief of Public Safety.
- 2. Level 2:** Any complaint which alleges the misuse of force, deadly force, serious misconduct, criminal conduct, or driving while intoxicated. Brutality, corruption and breach of civil rights (including First Amendment rights, such as the right to panhandle in public places) shall be included in this classification. This list is a basic guide and should not be considered all-inclusive. Any complaint may be placed in this classification upon the direction of the Chief of Public Safety.

## **II. INVESTIGATIVE RESPONSIBILITY (01-12-02)**

### **A. Minor Complaints**

1. Investigated by the officer/employee's immediate supervisor.
2. May be assigned to any appropriate personnel within the department by direction of the Internal Affairs Unit.
3. Results of investigation delivered to the Chief of Public Safety for review, approval, and necessary administrative action.
4. Upon completion of the investigation and administrative action, the complaint packet is forwarded to the Chief of Public Safety for review and approval and then to Internal Affairs for secure filing.

### **B. Serious Complaints**

1. Investigated by Internal Affairs personnel.

2. Investigative procedures to be utilized in investigations of alleged criminal activity shall be established by the Chief of Public Safety prior to the start of the Internal Affairs investigation. The procedures will be consistent with departmental procedure and will protect the rights of the persons involved.
3. The Internal Affairs Investigator will forward the results of the investigation to the Chief of Public Safety for review, approval, and administrative action. The Internal Affairs Investigator will report directly to the Chief of Public Safety on Internal Affairs matters.

### **C. Alternative Assignment**

1. The Chief of Public Safety shall have the authority to assign an investigation outside the previously stated guidelines should he/she determine a need to do so.

## **III. NOTIFICATION/ROUTING TIME FRAME (01-12-03)**

- A. The routing of the complaint forms following completion will take place within eight (8) working hours of being received by the department. This action will be in the form of written notice to the Internal Affairs Unit.
- B. Assignment of investigative responsibility will be determined by the Internal Affairs Unit and made within forty-eight (48) hours of the receipt of the complaint. Written notice of this assignment will be forwarded to the Chief of Public Safety immediately upon assignment.
- C. Investigators will be responsible for keeping the complainants aware of the status of the investigation through their investigative contacts with those individuals.
- D. The member(s) of Internal Affairs who assign investigations to any individual(s) outside the Internal Affairs Unit will establish a reporting procedure by which they will be kept fully informed of the status of the investigation.
- E. The primary objective of the department concerning the expedient completion of this investigation will follow the following basic schedule:
  1. All investigations will be completed within seventy-five (75) days of their start unless the nature of the investigation requires additional time. The extension of this time frame **must** be approved by the Chief of Public Safety. The Chief shall render his decision as to discipline, if any, within thirty (30) days from receipt of the file. The Chief may also return an investigation needing additional work to the Internal Affairs Unit for an additional five (5) working days after which time he/she will have five (5) additional days to render a decision. Any disciplinary action which occurs as a result of the investigation shall be reduced to writing and a copy given to the member who is named in such action within ten (10) days after the Chief has reached his decision.

Investigations completed by individuals not assigned to the Internal Affairs Unit will be submitted upon completion to the Internal Affairs Unit and the Chief of Public Safety. The Chief of Public Safety will review the investigation, take any necessary action, and document such action.

2. Investigations completed by the Internal Affairs Unit will be immediately submitted to the Chief of Public Safety. Upon completion of the necessary action and documentation of such action, the report will be returned to the Internal Affairs Unit for secure storage. All internal investigations will be filed in the Office of Professional Standards and all statistical data collected.
3. The assigned Investigator will be responsible for the written notification provided to each complainant and subject officer advising the complainant and the officer of the results of the investigation. This notification must be forwarded within five (5) calendar days following the receipt of the completed report by the Internal Affairs Unit.
4. An annual review of all complaints received by the agency will be conducted and forwarded to the Chief of Public Safety.

#### **IV. USE OF THE COMPLAINT FORM (01-12-04)**

- A. Each Captain will maintain the department's SCF form for the filing of complaints against members/employees of the department. Additional forms will be stored according to department guidelines.
- B. Persons completing the forms shall adhere to the basic guidelines for completion that follow:
  1. Who completes the form?
    - a. The supervisor receiving the complaint.
    - b. The acting supervisor who received the initial complaint. (Only when no supervisor is available.)
    - c. The complainant, but only if they request to do so. (If the complainant completes the form, it must be read completely by the supervisor taking the complaint to be certain it is legible and understandable.)
  2. How the Form is to be completed:
    - a. Each block is to be completed, if information is available.
    - b. All information entered on the form must be neatly written and clearly legible or the information should be typed.

#### **V. GENERAL INFORMATION (01-12-05)**

- A. All complaints are to be taken by a supervisor. Should a complaint be initiated to an acting supervisor, the acting supervisor can complete the form but must see that a supervisor is immediately notified so that the complainant can talk with the supervisor.

- B. Once a complaint is received, no member of the department will contact the complainant unless specifically assigned to the investigation. Any attempt to make unauthorized contacts with the complainant(s) may result in disciplinary action. All interviews with complainants are to be conducted in the confines of an office and under no circumstances are we to discuss a complaint in the reception area or any location that allows uninvolved persons to observe. Under no circumstances will it be acceptable to refuse to hear a complaint nor will we take any action that requires the complainant to return at a later time. The initial completion of the form must always be undertaken. This applies to complaints received by telephone and anonymous complaints received in any manner.

## **VI. ORGANIZATION AND RESPONSIBILITY (01-12-06)**

- A. An Internal Affairs/Professional Standards Commander shall be appointed by the Chief of Public Safety. The primary responsibility of the IA/OPS Unit shall be to investigate all allegations of misconduct against the department, or any other complaint as may be assigned by the Chief of Public Safety.

## **VII. PROCEDURAL PROCESS OF INVESTIGATION (01-12-07)**

- A. This process is not to be confused with the normal supervisor/employee relationships, which deal with performance, and disciplinary matters that occur on a regular basis. Internal Affairs will conduct investigations into all allegations of criminal acts, use of deadly force, misuse of force, or serious misconduct. Also, any complaint assigned by the Chief of Public Safety will be investigated.
- B. All investigations relating to improper action or conduct will be conducted in accordance with the following provisions:
  1. The supervisor first receiving the complaint, whether originating externally or internally, will complete a Standardized Complaint Form. The form will be forwarded to the Internal Affairs Unit for investigative assignment. The Internal Affairs Unit will forward the written notice of investigative assignment to the Chief of Public Safety.
  2. If the complaint can be resolved at the lowest supervisory level, it shall be done. A report, sent to the Chief of Public Safety, will contain the processing, investigation, and disposition of the complaint.
  3. The complainant will be contacted by a supervisor regarding the complaint within two (2) working days.
  4. The Chief of Public Safety will be notified verbally or in writing of all complaints received against the department or employees.
  5. All investigations will be confidential. The results of any internal investigation will be released **only** by the Chief of Public Safety. All investigative records will be maintained in a secure area within the Internal Affairs Unit and will be accessible only by Internal Affairs personnel and the Chief of Public Safety. A record of all complaints against the department or employees will be maintained by the unit.

- C. When a department member or employee is under investigation or subjected to questioning for any reason which could lead to demotion, dismissal, or suspension, such investigation or questioning shall be conducted under the following conditions and requirements:
1. The Unit Captain shall be notified prior to a subordinate being questioned by members of the Internal Affairs Unit.
  2. When department members or employees are notified that they are the subject of an investigation by the Internal Affairs Unit for an alleged violation or as the result of a citizen complaint; the assigned Investigator will provide the member or employee with a written notification of the nature of the complaint, name of the complainant, and location the violation or complaint occurred, unless this notification would jeopardize the investigation.
  3. The member/employee under investigation shall be informed of the name and rank of the officer in charge of the investigation, and all persons to be present during questioning sessions.
  4. Questioning sessions shall be reasonable periods, if possible. The sessions will be scheduled during the member/employee's normal duty hours and there shall be times allowed for personal necessities and rest periods as necessary. If questioning does occur during the member/employee's off-duty time, they shall be compensated for that time at the rate of one and one-half (1 ½ ) times their normal rate of pay.
  5. When a complaint is filed and an investigation initiated, the member/employee may be required to submit to medical or laboratory examinations, photographs, lineups, financial disclosure statements, polygraph and searches of any locker, desk, or other assigned storage area on City property. Members/employees shall be notified at the conclusion of any search of assigned storage space. Refusal to submit to any of the investigative aids could result in disciplinary action up to and including dismissal.
  6. If a member/employee is the target of a criminal investigation or is under arrest, the Criminal Investigation Division Captain will be contacted prior to the completion of the Internal Affairs investigation. The member/employee will be advised of their constitutional rights under the fifth and fourteenth amendments to the United States Constitution and also the protection afforded them under the doctrine set forth in *Garrity vs. New Jersey*, 385 U.S. 493 (1967) prior to being questioned by the Internal Affairs investigator. The purpose of an Internal Affairs investigation is to determine if departmental policy has been violated, not to enter into any criminal investigation.
  7. Individuals who make false or unfounded criminal complaints against members/employees may be prosecuted by the City. Members/employees shall have the right to file civil suits against these individuals if legal avenues exist.
- D. Any member/employee, who makes a false or untruthful statement to any Internal Affairs Investigator, or representative thereof based on assignment, shall be immediately dismissed from further employment.

- E. A department member/employee who is the subject of an investigation for misconduct may be suspended from duty as a temporary administrative action. Such suspension may be due to his/her physical or psychological fitness for duty or an action pending disposition of the Internal Affairs investigation. Return to duty by the member/employee will be at the discretion of the Chief of Public Safety.
- F. Should an investigation show the potential for the filing of criminal charges against a member/employee, the Captain of the Criminal Investigation Division, or a designee of the Chief of Public Safety, will maintain necessary liaison with the District Attorney's Office.
- G. Based on the records of Internal Affairs investigations, an annual statistical summary report shall be produced for public and agency dissemination.
- H. A report will also be produced and forwarded to the Training Division which identifies areas of concern which might be addresses through the training process. The areas of concern will have been discovered through investigation of citizen's complaints of members/employees conduct.

#### **VIII. DISPOSITION OF INVESTIGATION (01-12-08)**

- A. Upon completion of an internal investigation, but no more than seventy-five (75) days from the beginning of the investigation, the Internal Affairs Unit will submit a written report as to the findings to the Chief of Public Safety. The investigating officer in all internal investigations shall be a finder of fact and shall not make any form of recommendation as to disciplinary action. The Chief of Public Safety will send the file to the member/employee's section Captain for recommendations. After receiving written recommendations from all supervisors involved, the section Captain will make his/her written recommendation and return the file to the Chief of Public Safety. Upon final disposition, the file will be returned to the Internal Affairs Unit for secure filing. In the case of minor complaints, the Chief of Public Safety will make the final disposition and give the file to the Internal Affairs Unit for secure filing.
- B. All department members involved in an internal affairs investigation must be advised, in writing, of the final finding of such investigation as pertaining to them personally.
- C. One of the following findings will be the final disposition:
  - 1. **Not Sustained:** There is insufficient evidence to sustain a complaint.
  - 2. **Exonerated:** The incident occurred but the member/employee actions were justified, lawful, and proper.
  - 3. **Unfounded:** The complainant admits to false allegations; the charges were false or not factual, or the member/employee was not involved in the incident.
  - 4. **Sustained:** The allegation(s) are supported by sufficient evidence to indicate the

member/employee did, in fact, commit one or more of the alleged acts.

5. **Not Involved:** The investigation established that the individual accused was not involved in misconduct in the alleged incident.

## **IX. DISCIPLINE (01-12-09)**

- A. The authority to discipline members/employees is exclusively that of the Chief of Public Safety. Disciplinary decisions will be rendered within thirty (30) days of the conclusion of the investigation. The discipline will be administered immediately after the decision or any subsequent appeals.
- B. Members/employees (excluding probationary members/employees) shall only be disciplined or terminated for just cause. Discipline or termination for cause shall include, but not be limited to, violation of Department Operating Policies and Procedures, General or Special Orders, City Personnel Rules, and/or State laws.

## **X. PERSONNEL INVOLVED IN COURT CASES (01-12-10)**

### **A. Personnel under Orders of the Court**

1. Due to changes in Federal Statute 18 U.S.C.922 (G8), regarding persons subject to court orders, interpretation of the code states it is unlawful for any person subject to a court order to carry any type of firearm or ammunition.
2. While law enforcement personnel are exempt to that provision, the Department believes it must present itself above reproach to the public we serve. It is in the best interest of the Department we administratively respond to these sensitive issues.
3. Therefore, any employee who has been served, and is subject to a court order, such as Temporary Protective Orders, Restraining Orders, etc., must **immediately** notify their supervisor and provide the Department with a copy of said order. This policy shall apply regardless of jurisdiction or origination of the order or where the alleged event occurred.
4. The employee shall, without delay, be relieved of duty and placed in administrative status. The employee's supervisor will **immediately** collect the employee's assigned and/or authorized firearms and ammunition and place those items in the safekeeping of the Department's armorer.
5. The supervisor shall, without delay, file a written report of the existence of the court order and of the supervisor's initial actions to the Chief of Public Safety by way of the chain of command. The supervisor and the affected employee should report to the Chief of Public Safety or his/her designee promptly the next business day for a hearing.
6. Dependent upon the circumstances surrounding the order, or other considerations, the employee may be returned to duty, placed on administrative status, etc. Employees are



not guaranteed administrative duty. Each situation is considered unique and will be handled in a manner appropriate to that particular situation. The employee may be suspended without pay pending the outcome of the matter, or if warranted, pending the outcome of an investigation by the Internal Affairs Unit. As in any administrative or criminal proceeding, employees are subject disciplinary action resulting from the outcome of an investigation or proceeding.

7. The employee shall be reinstated to normal, assigned duties and have all weapons, etc., returned to him/her upon satisfactory resolution of the court order, and/or subsequent investigations, if any.

## B. Domestic Violence Convictions

1. According to the United States Code, in an amendment to the Gun Control Act of 1968, any person who has been **convicted in any court** of a “Misdemeanor Crime of Domestic Violence” is among the class of persons who, “no longer can own, possess **or receive** a firearm or ammunition”. Law enforcement personnel are not exempt from this code.
2. Domestic Violence is defined by the United States Code as, “ any misdemeanor, having as an element, the use or attempted use of physical force (e.g., Simple Assault, Assault and Battery, etc.), or the threatened use of a deadly weapon committed by a current or former spouse, or parent or guardian of a victim, or by a person with whom the victim shares a child in common, is cohabiting with, or has cohabited with a victim as a spouse, parent or guardian, or is similarly situated to a spouse, parent or guardian”. **This definition includes any misdemeanors involving the above definition whether or not the state statute defines the offense as “Domestic Violence” and is applicable even if the conviction occurred before the law’s effective date.**
3. Personnel who are or have ever been arrested or convicted of this type of offense shall **immediately** notify their supervisor of said incident. The supervisor shall **immediately** relieve the employee of duty and assign him/her to administrative status. The supervisor shall collect the employee’s assigned and/or authorized firearms and ammunition and place them in the safekeeping of the Department’s Armorer.
4. The supervisor shall without delay file a written report of his/her actions and of the employee’s arrest or conviction to the Chief of Public Safety by way of his/her chain of command. The employee shall remain on administrative status pending investigation by the Internal Affairs Division and/or a hearing before the Chief of Public Safety.

## C. Noncompliance with Child Support Court Orders

1. O.C.G.A. 19-11-9.3 provides for the suspension of all licenses and certifications of those persons in violation of court orders regarding child support. Licenses and certifications include but are not limited to P.O.S.T. certifications and driver’s licenses.
2. The Department of Human Resources is compelled by the law to notify the issuing agencies of the noncompliance status, and the issuing agency is compelled by the law

to suspend issued privileges. Should an officer or employee receive notification of the suspension of any of these privileges, he/she shall notify the office of the Chief of Public Safety by way of the chain of command **immediately**.

3. Captains and supervisors receiving notification of this status shall immediately relieve the officer of duty, place them in administrative status pending a hearing before the Chief of Public Safety. Officers shall be relieved of their weapons and shall not be permitted to function as police officers, including operate their issued city vehicle pending said hearing.
4. On the next business day, or as arranged by the Chief of Public Safety, a hearing shall be conducted by him/her regarding the status of the employee/officer.

#### **D. Responsibility of Personnel**

1. All departmental personnel are required, upon becoming aware of another employee's status in either of these instances, to truthfully and promptly report that information to his/her immediate supervisor.

### **XI. RESPONSIBILITY OF ALL PERSONNEL (01-12-11)**

- A. Personnel who are witness to or become aware of another employee's misconduct or illegal behavior are compelled to report the situation through the chain of command immediately.

### **XII. REFERENCES (01-12-12)**

Directives:

GACPSAP: 3.7; 6.36

CALEA: 26.2.1(LE1); 26.2.2 (LE1); 26.2.3; 26.2.4 (LE1); 26.2.5; 26.3.1; 26.3.2 (LE1); 26.3.3 (LE1); 26.3.4; 26.3.5 (LE1); 26.3.6; 26.3.7; 26.3.8; 82.1.5; 1.4.1; 1.4.7