

# JACKSONVILLE POLICE DEPARTMENT

Policy: 6-7

Effective: 01-01-09

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## INVESTIGATIONS: INTERNAL AFFAIRS

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**PURPOSE:** To establish an investigative procedure that provides citizens with a fair and effective venue for redress for their complaints and grievances on employees of this Department, while protecting employees from unfair and untrue accusations.

**POLICY:** It is the policy of this Department to accept and document all complaints alleging employee or Department misconduct for the following principle reasons: (2.06)

- A. To ensure that complaints alleging employee or Department misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations;
- B. To identify areas of misunderstanding by the complaining citizen;
- C. To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention;
- D. To protect Department employees and the Department from erroneous complaints; and
- E. To identify Department policy, training, and/or practices in need of reevaluation, clarification and/or correction.

The Department operates in a degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the Department. Members of the public should be provided a reasonable venue for any redress of grievances they may have with service received by Department employees or the conduct of the Department. This policy provides employees of the Department with the procedures for the acceptance of complaints; the initiation of the administrative investigative process; the process for conducting a fair and reasonable investigation; the proper methods for adjudication of fair, reasonable and defensible discipline.

### DEFINITIONS:

- I. **COMPLAINTS:** An allegation from any source of an act or omission by a Department employee, which if proven true, would be considered misconduct or a violation of Department policies, rules or regulations.
  - A. **Informal Complaints:** Complaints that allege inadequate public service, discourtesy, offensive language, improper procedure, and other less serious and non-criminal conduct, as determined by the Chief of Police or his designee. These will be assigned to the involved employee's immediate supervisor.
  - B. **Formal Complaints:** Serious or criminal misconduct complaints that allege needless or excessive force, brutality, violations of criminal law, corruption, breach of civil rights, abuse of authority, intentional discrimination, extremely sensitive allegations, and others as determined by the Chief of Police or his designee. These will be assigned to the Office of Professional Standards.
- II. **CITIZEN INQUIRIES:** Complaints which solely question the statutory validity of an arrest or citation or an act performed following Department policies or statute that DOES NOT allege misconduct or wrongdoing, but addresses perceived or actual performance issues on the part of the employee. Inquiries may be resolved by providing the complainant with a brief explanation of the Department policy or statute that justifies the act performed by an employee(s). This does not require supervisory documentation.

- III. SPECIAL EXAMINATION: Is a narrowly related investigation into some specific circumstance involving an employee. It would require specialized training or certification by the examiner to administer in order to determine the physical or psychological fitness for duty or truthfulness. Also, it would reasonably require the employee to disclose personal records to be evaluated for integrity issues.
- IV. INTERNAL REVIEW: Is a preliminary investigation performed on a complaint(s) against an employee(s) which is likely to be resolved by examining audio/visual recordings, electronic data, and documents without interviewing employees and witnesses, but may include obtaining witness and/or employee(s) statements. The allegations are likely to be unfounded or exonerated on the Department or employee(s), but may be upgraded to a Supervisor's Investigation or Internal Affairs Investigation dependent upon the findings. The review is normally conducted in the Office of Professional Standards, but may be assigned to a Lieutenant or Captain by the Chief of Police.
- V. SUPERVISOR'S INVESTIGATION: Are informal investigations performed on a complaint by a supervisor in the chain of command of the accused employee(s). These are likely to be resolved by examining audio/visual recordings, electronic data, documents, obtaining statements and/or interviewing witness(s) and employee(s). The allegations, if found true, are likely to result in performance based issues or minor misconduct by employees.
- VI. INTERNAL AFFAIRS INVESTIGATION: Are formal investigations performed on complaints by the Office of Professional Standards on the accused employee(s). These are likely to be resolved by examining audio/visual recordings, electronic data, documents, obtaining statements and/or recorded interviewing of witness(s) and employee(s), and if necessary special examinations. These allegations, if true, are likely to result in negligence of performance based issues and/or misconduct by employee(s).

**PROCEDURES:**

- I. RECEIVING AND PROCESSING OF COMPLAINTS (2.04; 2.06)
  - A. This Department shall investigate both formal and informal complaints. Investigators shall follow proper procedures when interviewing an accused employee and shall uphold and defend the legal rights of employees. The Chief of Police will be notified, as soon as practical, of formal complaints against Department employees and Department volunteers. (2.07)
  - B. If it is determined that the accusations may be malicious and false, the Chief of Police may limit the investigation to substantiating a false report.
  - C. Employee Responsibilities: Whenever an employee becomes aware of a citizen's complaint or becomes aware of misconduct of another Department employee, they shall:
    - 1. Immediately notify an on-duty supervisor and ensure that follow-up to the complaining person will not be delayed.
    - 2. If a supervisor cannot be made available or the party making the complaint refuses to wait for the supervisor, the employee will gather all available information regarding the complaint and contact information for the complainant.
    - 3. The employee shall ensure that this information is given to a supervisor as soon as practicable.
  - D. Supervisor's Responsibilities: Whenever a supervisor becomes aware of a person requesting to make a complaint or an incident which will likely result in a complaint or administrative investigation, the supervisor will conduct an immediate preliminary investigation including:
    - 1. Meet with the complaining party to ascertain the nature of the complaint;
    - 2. Attempt to resolve the issue with the complaining party;