

Internal Affairs

Index Code: 302.1 Effective Date: 04/01/09 (Revised 7/28/2020)

I. Purpose

The purpose of this written directive is to establish and define the internal affairs function as it relates to the Office of the Sheriff, and establish the authority, procedures and responsibilities for conducting an internal investigation.

II. Policy

It is the policy of the Office of the Sheriff to ensure the integrity of the Office and its personnel, through a system that provides an objective and fair investigation and review of all complaints against the Office and its employees.

III. Internal Affairs Unit

A. Organization

The Internal Affairs Unit is a component of the Office of the Sheriff and is comprised primarily of the Chief Deputy and the Commander of Administrative Services and/or the assistant commander of Administrative Services. Together, along with additional personnel as needed, they are responsible for the internal affairs function. The Chief Deputy is appointed by and reports directly to the Sheriff concerning all internal affairs matters and is considered the “Internal Affairs Commander.”

B. Authority

Persons assigned to this unit in an investigative capacity conduct their duties on behalf, and with the full authority, of the Sheriff.

C. Administrative Activities

The Internal Affairs Unit is responsible for the reception and administration of all internal affairs activities, to include:

1. Recording, registering, and controlling the investigation of complaints against agency personnel, including anonymous complaints.
2. Supervising and controlling the investigation of alleged or suspected misconduct within the Office of the Sheriff, and
3. Maintaining the confidentiality of internal affairs investigations and records.

D. Investigative Activities

In most cases the following categories of complaints will be investigated by the Internal Affairs Unit:

1. Allegations of corruption
2. Breach of civil rights
3. Brutality
4. Criminal misconduct
5. Malfeasance & Nonfeasance
6. Misuse of force

This list is not all-inclusive and the Sheriff, Chief Deputy or the Commander of Administrative Services and/or the assistant commander of Administrative Services may conduct or delegate an investigation of any complaint, at their discretion.

E. Oversight Activities

Complaints not investigated by the Internal Affairs Unit will be delegated to supervisors or commanders for investigation. The Internal Affairs Unit will exercise oversight and review authority over all investigations to ensure competent investigations and fair resolutions.

Generally, the following types of complaints will be delegated to line supervisors:

1. Improper appearance/grooming
2. Improper performance of duty
3. Insubordination
4. Rudeness
5. Tardiness; unauthorized absence
6. Violations of PPV privileges This list is not all-inclusive.

IV. Internal Affairs Commander

The Internal Affairs Commander's authority includes, but is not limited to the following:

- A. The authority to assign an investigation to the Internal Affairs unit or to personnel not assigned to Internal Affairs.
- B. The authority to decide if a sustained complaint may be resolved by summary punishment, or by punishment in excess of summary punishment.
- C. The authority to offer disciplinary action in cases where a complaint has been sustained, except in cases involving summary punishment. However, neither the agency nor the Internal Affairs Unit is obligated to offer any form of disciplinary action prior to presenting a case to a trial board.

In making these decisions, the Internal Affairs Commander will consider such factors as, but not limited to:

1. The seriousness and circumstances of the alleged incident;
2. The affected employee's past disciplinary record and work performance;
3. Evidence of a continuing pattern of behavior involving repeated acts of misconduct;
4. The effect on the agency of the alleged incident; and
5. The likelihood of correcting the employee's conduct or behavior.

V. Administrative Responsibilities

The Administrative Services Commander will ensure that all internal investigations are conducted according to applicable laws, including the Law Enforcement Officers Bill of Rights, and based on sound investigative techniques. The Administrative Services Commander is responsible for:

- A. Providing a daily briefing to the Chief Deputy of any new complaints made against the agency or its employees and updating the Chief Deputy on the status of all complaints under investigation.
- B. Assisting with determining the final classification of investigations: sustained, not sustained, exonerated, unfounded, policy failure or unreported misconduct.
- C. Assisting the Chief Deputy in the selection of hearing board members.

- D. Administering disciplinary actions as authorized by the Chief Deputy.
- E. Disseminating information to the public on procedures to follow in registering complaints against the agency or its employees.
- F. Ensuring that written verification is provided to complainants that complaints have been received for processing.
- G. Ensuring that complainants are regularly notified of the status of complaints against the agency or its employees.
- H. Assisting with maintaining all records of complaints, internal investigations, and disciplinary actions in a secure area.
- I. Assisting with maintaining liaison with the State's Attorney in cases involving alleged criminal conduct by an employee.

VI. Internal Affairs Records

A. Written Records Required

The Internal Affairs Commander will maintain a record of all complaints against the agency and its employees, and of all disciplinary actions taken.

B. Security of Records

The Internal Affairs Commander will protect the confidentiality of all complaints against the agency and/or its employees, all records of internal investigations and disciplinary actions, and ensure they are filed in a secure location with access limited to the Sheriff and Chief Deputy (Internal Affairs Commander).

C. Personnel File Contents

Complaints and internal affairs investigative reports will not be placed in employees' personnel files. However, the fact that disciplinary action was administered will be included in personnel files by way of filing the original copy of executed charges for sustained violations. Unless otherwise directed by the Chief Deputy, records of disciplinary action will be kept indefinitely.

Employees may review the contents of their personnel files by submitting a request through their chain of command

D. Expunging Records

Complaints ruled unfounded, exonerated, or not sustained may be expunged from all agency files as provided in the Law Enforcement Officers' Bill of Rights. Expunged files will be moved to a secure location for expunged records.

VII. CALEA References: 52.11 & 52.12

VIII. Proponent Unit: Administrative Services Division

IX. Cancellation: Policy 302.1 dated 12/16/16

Sheriff Gary Hofmann

Queen Anne's County Office of the Sheriff Written Directive