



SYKESVILLE POLICE DEPARTMENT

Internal Affairs Administration

General Order 2-16 Effective: 07/18/17

Authorized By: *Michael A. Spaulding* Chief of Police

I. PURPOSE

To provide an explanation of the function of Internal Affairs as well as the types of Internal Affairs investigations.

II. POLICY

The Sykesville Police Department, in order to preserve integrity of its employees, will maintain an Internal Affairs function to investigate allegations of misconduct, and record of findings.

III. PROCEDURES

A. Internal Affairs Function

Investigation of allegations of misconduct is important to the management and integrity of the Sykesville Police Department. Complaints provide feedback as to how the community perceives employees and provides information for management to make corrections, and to implement positive appropriate action via training and policy changes. Investigations of complaints protect employees from unwarranted allegations and criticism for properly conducting their duties.

The function of Internal Affairs is to ensure that the integrity of the Police Department is maintained through an internal system of objectivity and fairness. The Internal Affairs function allows for an impartial investigation and review to clear the innocent, establish culpability of the violators, and to facilitate fair, appropriate, and consistent disciplinary action.

B. Internal Affairs Activities

1. Internal Affairs is responsible for documenting and maintaining all records of investigations of allegations of misconduct, and inquiries regarding policy and procedures.
2. Internal Affairs will normally investigate all complaints involving allegations of corruption, brutality, misuse of force, breach of civil rights, criminal conduct, and other matters at the direction of the Chief of Police.
3. Internal Affairs will maintain confidentiality of all internal investigations and records.

4. Due to the fact that the Sykesville Police Department does not have a separate Internal Affairs Unit, appropriate line supervisors may be assigned investigations of complaints that involve such matters as courtesy, tardiness, insubordination, policy and procedure violations and other complaints that involve and can be handled as a matter of routine discipline.
5. The Chief of Police will determine the appropriateness of assignment to supervisors or reassignment to outside agency Internal Affairs Units for investigation.
6. All complaints investigated by personnel will be reviewed by the Chief.

C. Types of Investigations

The following types of investigations will be conducted as part of the Internal Affairs function:

1. Formal Internal Affairs Investigations.
 - a. A formal investigation is conducted whenever allegations of violations of policy or misconduct of a nature outlined in the following examples, on or off duty, are alleged.
 - b. Examples of internal affairs investigations that may be determined to be formal include, but are not limited to:
 - (1) Criminal Misconduct
 - (2) Brutality
 - (3) Failure to perform duties (when assigned)
 - (4) Violation of policy and procedures (when assigned)
 - (5) Violations of Civil Rights
 - (6) Misuse of Force
 - c. The complexity of the allegation, the nature and seriousness of the matter, and totality of circumstances will determine at which level of supervision the investigation will be conducted
2. Handling of formal investigations

- a. All formal investigations of sworn employees will be conducted in accordance with the Law Enforcement Officers Bill of Rights. Formal investigations of all other department personnel will be in conformance with normal and accepted investigative procedures.
- b. Complaints of a criminal nature may, upon review and at the discretion of the Chief, be investigated by the Maryland State Police or some other appropriate agency.

3. Formal Inquiries

Formal inquiries are investigations that may be conducted by supervisors upon receipt of allegations which appear to be very minor in nature, or which can be handled with an explanation to the complainant, and no improper action has been determined. Examples include rudeness, violation of procedure, tardiness or insubordination.

4. When fielding complaints against personnel, (Complaint Against Personnel Report, SPD Form #176) will be completed.
 - a. When possible, the supervisor fielding the complaint shall attempt to resolve the complaint and forward the results, by detailed report, to the Chief of Police.
 - b. When unable to immediately resolve the complaint, a detailed report shall be forwarded through the chain of command for appropriate action.
 - c. Complaints received via the Town of Sykesville website and/or Facebook page will be documented on a Complaint Against Personnel Report as well.
5. Quite often, minor complaints can be handled merely by advising the complainants of policy, procedures, laws, etc.

D. Dissemination of Policy

Each member of the Sykesville Police Department will receive a copy of the Rules of Conduct and General Orders pertaining to the Internal Affairs Function. These directives are located in the PowerDMS.

E. Employee Notification and Rights

1. When employees are notified that they have become the subject of an internal affairs investigation the assigned investigator will issue the

employee a written statement of the allegations, and notification of rights and responsibilities relative to the investigation

2. Affected employees will be notified in writing, on the Notification of Complaint, of an internal affairs investigation unless such notification would jeopardize the investigation. Notification of sworn employees will be in writing on the Notification of Complaint, in accordance with the Law Enforcement Officers Bill of Rights. Civilian employees will be notified in writing of internal affairs investigations.
3. Written notification of complaints of brutality will be on the Complaint of Brutality form (SPD Form #177).

Complaints of brutality and/or excessive force against sworn personnel must be signed and sworn to under penalty of perjury and must be filed within 366 days of the incident in accordance with the Law Enforcement Officers Bill of Rights (Section 3-104).

Complaints of brutality and/or excessive force may be made by the aggrieved individual, immediate family member, person present at the alleged incident or someone who has a video recording of the incident, that, to the individual's knowledge, is unaltered, or the parent of a minor child.

4. A copy of the notification forms or memo will be given to the alleged offending officer. The original will remain with the case file.

IV. CANCELLATIONS

This General Order cancels and replaces the following policies:

General Order 52.1, entitled Internal Affairs Administration, dated December 21, 2001.