

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 16: Professional Ethics and Discipline **Order Number:** 1615
Topic: INTERNAL INVESTIGATION PROCEDURES **Issued by:** Chief of Police
Approved: 10/15/18
Review: Annually in April by Professional Services Commander
Supersedes: G.O. 1615 dated 11/22/17

.01 PURPOSE:

To establish accepted practices for the conduct of internal investigations.

.02 CROSS-REF:

G.O. [1610](#), "Complaints and Internal Investigations"
G.O. [1620](#), "Discipline"
G.O. [1908](#), "Employee Drug and Alcohol Testing"
G.O. [385](#), "Body Worn Camera"

.03 DISCUSSION:

It is incumbent on the Department to evaluate and/or investigate and resolve all bona fide complaints of employee misconduct. To that end, procedures must be in place to ensure that investigations are conducted fairly and in accordance with accepted practices and laws.

The investigation of complaints will normally involve a thorough and detailed investigation involving witness statements, information gathering, and scrupulous documentation. It may also involve collection of physical evidence, polygraph examinations, and evidence processing. This is a time-consuming process that must be professionally and meticulously handled to ensure the successful conclusion of the investigation - either the exoneration of an innocent employee or the successful prosecution of an employee accused of misconduct.

The following guidelines are offered to assist in the conduct of these investigations.

.04 POLICY:

All internal investigations conducted by the Frederick Police Department will be in accordance with applicable laws and accepted practices as outlined in this order.

These guidelines deal with administrative investigations. Criminal investigations will be done in accordance with accepted and legal practices for criminal investigations. Criminal investigations are normally completed before administrative disciplinary proceedings are begun. In these cases, administrative investigating can be performed, however disposition (i.e., hearing board, discipline) may wait until the criminal disposition. This decision will be made by the Chief of Police on a case by case basis.

.05 DEFINITIONS:

All definitions are in [G.O. 1610, "Complaints and Internal Investigations."](#)

.10 PRELIMINARY ACTIONS:

1. As early as possible in the investigation, the investigator should:
 - A. Determine the nature of the violations alleged;
 - B. Identify the employee(s) involved;

- C. Review all available documentation;
 - D. Secure all sources of information, including, but not limited to:
 - (1) Dispatch tapes
 - (2) Patrol vehicle or surveillance recordings
 - (3) Case reports
 - (4) Arrest reports
 - (5) Use of force reports
 - (6) Property forms
 - (7) Injury reports
 - (8) Photographs of scene, injuries, et al.
 - (9) Computer information (i.e., email, CAD, I-LEADS, etc.)
 - (10) Body worn camera footage
2. If the investigator is unable, after repeated attempts, to contact the complainant to conduct a formal interview, he will ensure that all available means are used to make contact. These attempts should include at least five documented telephone attempts and at least one attempt by certified mail. The certified letter will establish a deadline for the complainant to contact the investigator before the complaint is closed. Personal contacts may also be attempted as appropriate. If the complainant is still unable to be contacted, or is contacted and indicates an unwillingness to pursue the complaint, the complaint may be "administratively closed," unless the Department determines that an investigation should or can be conducted without the participation of the complainant. Every attempt will be made to have the complainant complete form PSD-002, "Complaint Withdrawal Form."

.11 AUTHORITY OF INVESTIGATORS:

- 1. Personnel assigned to the IAU or individuals assigned to handle an internal investigation are vested by the Chief of Police with the authority to investigate Complaints as outlined in this Order. Individuals assigned to investigate Complaints as described in this Order are granted the authority to:
 - A. Order the accused and/or other Departmental employees, regardless of rank, to respond to questions that specifically, directly and narrowly relate to the issue(s) under investigation; and,
 - B. Order the accused to produce documents and materials; submit to a polygraph, blood, breath, urine test or interrogation; or to perform or submit to any other appropriate/necessary test or examination that specifically, directly and narrowly deals with the allegations against them or the matter under investigation, in accordance with the LEOBR (if applicable) or other applicable regulations.
- 2. Photographic arrays and lineups may also be used if the investigator believes it is in the best

interest of the investigation to do so.

3. Financial disclosure statements may be requested in accordance with the provisions set forth in the LEOBR, if applicable.
4. All orders to an accused to submit to any test or interrogation will be given in writing.

.15 INTERVIEWS GENERALLY:

1. All interviews/interrogations will be conducted in a private, quiet location free from interference from outside sources (telephones, etc.)
2. All interviews/interrogations will be digitally audio recorded; digital recorders are available from the PSD commander. Interviews may also be video recorded in addition to being audio recorded. Investigators will test the recorder, use AC power and an external microphone if possible, and never secretly record any person in violation of the law.
3. Written statements of complaint in lieu of an interview with a complainant/witness will be discouraged, as questions will usually arise that must be asked of the interviewee to clarify the incident. If the complainant submits a statement of complaint in their own words but refuses to be interviewed, the investigator will conduct an investigation based on the statement if warranted by the submitted facts. However, the complainant will be notified that the investigation may be hampered by their lack of cooperation and that they may be called upon to testify at a hearing board as applicable.
4. The interviewer should be respectful and courteous at all times, and maintain a professional and dignified composure. Interviewees will not be threatened, intimidated, or coerced.
5. Every person named or described in the interview should be identified as completely as possible:
 - A. Physical descriptions of persons should be obtained if they are not identified by name;
 - B. Obtain ages of juveniles; and
 - C. Determine relationships.
6. The sequence of interviews/interrogations to be followed will be generally as follows:
 - A. Complainant(s);
 - B. Civilian witnesses;
 - C. Police employee witnesses; and
 - D. Accused employee(s).
7. Questions may be prepared in advance, with follow-up questions formulated as necessary based on the subject's summary statement.
8. Prior to beginning the interview/interrogation, the investigator will place on the record:
 - A. The internal investigation number;

- B. The current date and time;
- C. The identity of the interviewer, the subject being interviewed/interrogated, and the identity of any other person(s) present;
- D. The fact that the accused employee (sworn officers only) has been advised of all of his rights under the LEOBR, if applicable;
- E. The fact that the subject is aware that they are being recorded; and
- F. The fact that they have been ordered to submit to the interrogation, if applicable.

.20 COMPLAINANT/WITNESS INTERVIEWS:

1. Formal complainant statements should be taken at the earliest opportunity.
2. Complainants will be advised, on the record:
 - A. To immediately notify the investigator of any change to their address or phone number.
 - B. Of the penalty for knowingly making false statements, reports or complaints.
3. Specifically, the investigator interviewing a complainant or witness should:
 - A. Allow the interviewee to give an uninterrupted statement of the event;
 - B. Ask follow-up questions for clarity;
 - C. Determine positions of witnesses to the incident and line of sight;
 - D. Identify discrepancies from the initial complaint, if applicable;
 - E. Cover each allegation in detail;
 - F. Determine from a complainant any reasons for delay in reporting the complaint;
 - G. Identify and explore all discrepancies in their statement or between statements;
 - H. Obtain the names and contact information of all other known witnesses; and
 - I. Cover all issues with all interviewees.
4. There is no right to counsel for witness employees. In accordance with [G.O. 1610, "Complaints and Internal Investigations,"](#) complainants may have counsel present. Witness employees may be ordered to give a statement if they refuse.
5. **If a police employee witness indicates by their statement or answers to questions that they may have violated any general order, the interview should stop until the employee has been afforded all of the rights to which they may be entitled by law or regulation.**

.25 INTERROGATIONS OF SWORN OFFICERS (NON-PROBATIONARY):

1. All interrogations of sworn officers will be conducted in accordance with the Law Enforcement Officer's Bill of Rights (LEOBR).
2. Accused sworn officers will be interrogated when they are on-duty. If the allegation/incident is such that an immediate interrogation is imperative, the sworn officer may be interrogated outside of working hours, but they must be compensated.
3. Interrogations should take place either at the office of the investigator or the sworn officer's work location.
4. The accused sworn officer is to be advised, prior to the interrogation, of:
 - A. The nature of the complaint; (Form PSD-007)
 - B. The identity of the investigator; (Form PSD-007)
 - C. The rights to which they are entitled (Form PSD-004).
5. The accused sworn officer should be given an opportunity to give a narrative statement, followed by interrogatories.
 - A. Specific follow-up questions about the allegations and narrative statement should be asked.
 - B. Specific questions about discrepancies between the statements of the complainant and any witnesses should be explored.
6. If the sworn officer makes a spontaneous statement incriminating themselves, end the interrogation if it is determined that the investigation is now criminal.
7. All accused sworn officers may have an attorney or other representative present during their interrogation. Sworn officers have five business days from the date of notification of the interrogation to obtain an attorney or other representative.
 - A. The attorney or representative may object to questions asked, or make procedural objections, on the record before or during the interview. In such cases, the investigator will advise the attorney/representative that his objection is noted and proceed with the interview.
 - B. The sworn officer may refuse to answer questions. However, if he does so the investigator will order him to answer the question(s). If he still refuses, the investigator will advise the sworn officer that his refusal to answer may subject him to disciplinary action, up to and including dismissal, for refusing to obey the order to answer.

.26 INTERROGATIONS OF SWORN OFFICERS (PROBATIONARY):

The provisions of the LEOBR apply to probationary officers only for complaints alleging brutality. Investigators will use PSD-005 instead of PSD-004. Please note the right to counsel referenced in PSD-005 only applies to the probationary sworn officer for a complaint alleging brutality. For all other complaints, the investigator will mark this line "N/A."

.27 INTERROGATIONS OF NON-SWORN EMPLOYEES:

Non-sworn employees are not covered by the LEOBR. Investigators will use PSD-005 instead of PSD-004, noting that non-sworn employees have none of the rights referenced in section .25. However, whenever possible, the investigator will follow the provisions of section .25, excepting those regarding a right to counsel. The investigator will mark this line of PSD-005 as "N/A."

.30 TRANSCRIPTION OF INTERVIEW:

1. Transcriptions will only be attached to cases if the PSD commander determines they are necessary. In all other cases the digital recordings will be placed on a disk and attached to the investigation.
2. In cases where transcriptions will be required, the recording of the interview/ interrogation will be submitted to the PSD Commander using Form PSD-010 as soon as possible after completion of the interview. Upon approval of the PSD Commander the PSD Administrative Assistant will ensure that the tape is transcribed expeditiously. Alternatively, investigators may transcribe their own interviews.
 - A. The transcriber will format the transcript so that the upper right hand corner of each page shows the internal investigation number. Each page will be numbered on the center of the bottom of each page.
 - (1) In cases where the complainant alleges excessive force, the complaint will be sworn to under penalty of perjury. At the end of the transcript, the transcriber will add the following statement:

"I have read, or have had read to me, the above statement of (# of pages) pages, and I have initialed each page of this statement. This statement has been given by me and is true and correct to the best of my knowledge, information, and belief."
 - (2) The transcriber will also place immediately after the appropriate statement a signature line for the interviewee to sign and date the transcript.
 - (3) The transcriber will place their name as the last item on the last page, and the date the statement was finally transcribed.
 - B. Once the transcription is complete, the transcriber will email the transcript and return the recording to the investigator.
 - C. The investigator will verify the accuracy of the transcript, and will make corrections to it if necessary. The investigator will add their name and the date to the last page under the transcriber's name as the person who proofed the statement and ensure that a corrected version is generated.
3. Copies of witness statements are available to the person making the statement.

.35 INVESTIGATIVE TOOLS:

1. Medical and Laboratory Examination
 - A. A supervisor may, based on either his own observation or a complaint, and with command approval, require an employee to submit to a test for alcohol or drug use while on duty, in compliance with [G.O 1908, "Employee Drug and Alcohol Testing Policy."](#) A positive test result may be used in an administrative disciplinary hearing.

Refusal to submit to testing will be grounds for disciplinary action up to and including termination for failing to obey a lawful order.

- B. If an employee is suspected or accused of drinking alcoholic beverages while on duty, reports for duty while impaired or under the influence of alcohol, or with the odor of an alcoholic beverage on his breath, the supervisor will:
- (1) Request the employee submit to a Preliminary Breath Test (PBT) to determine if the supervisor's suspicion is justified. Based upon the results of this test, the supervisor may end the investigation. The supervisor still must document this incident on a CRF and forward the form as described in [G.O. 1610, "Complaints and Internal Investigations,"](#) with a copy going to their division commander.
 - (2) If the results of the PBT require the investigation to continue, the supervisor will see that the procedures outlined in [G.O. 1908, "Employee Drug and Alcohol Testing Policy,"](#) are followed. The employee will be transported to Corporate Occupational Health Solutions (CorpOHS) for testing if open. If not open, the on call CorpOHS person will be called and testing arranged. The after-hours telephone number for CorpOHS is 1-800-480-8717.
 - (3) The supervisor may choose to forego the PBT and go directly to "reasonable suspicion testing" if the employee refuses to submit to a PBT or if the supervisor believes that, based on his own observations and experience, a PBT is not needed.
 - (4) Cases in which an employee has been accused of the unlawful use of controlled dangerous substances as defined in the Annotated Code of Maryland will be investigated, with the employee subject to reasonable suspicion testing as appropriate and in accordance with [G.O. 1908, "Employee Drug and Alcohol Testing Policy,"](#).

2. Polygraph Examinations

- A. An investigator will have the option of having polygraph examinations administered to complainants and accused employees if the investigation reveals, after interviews of the complainant, any witnesses, and the accused employee, that there are substantive differences in the version of events that are germane to the alleged violation(s). However, polygraph examinations will not be offered if there is evidence from independent witnesses that will establish without prejudice the course of events.
- B. Generally, polygraph examinations will be offered and administered to complainants before accused employees. If a complainant agrees to submit to a polygraph examination, and after such examination is found to have been truthful, then the employee under investigation will submit to an examination, either voluntarily or by order.
- C. All polygraph examinations of accused sworn officers will be conducted in accordance with the LEOBR, as applicable.

.37 ADMINISTRATIVE SEARCHES:

1. Administrative searches of employee work areas or equipment owned by the City or county

may be conducted if:

- A. There is a reasonable suspicion that the search will reveal evidence that an employee is engaged in work-related misconduct, or;
 - B. Such a search is necessary for a non-investigatory, work-related purpose, such as to retrieve a needed file or information.
2. Searches of employee work areas will not be performed for suspicion of violation of criminal law unless performed in accordance with a search warrant or warrant exception.
 3. Searches of employee-owned property, such as briefcases, gym bags, etc., will not be performed without the existence of a search warrant or warrant exception.
 4. Employee work areas will include, but not be limited to, desks, file cabinets, lockers, police vehicles, and computers.

.40 INTERNAL INVESTIGATION REPORTS:

All completed internal investigative reports that deal with Formal Complaints will be arranged in a blue binder or envelope provided by Records or PSD using the following general organizational format on form PSD-018. At-fault motor vehicle accidents (PSD-014) and missed court violations (PSD-015) have specific forms to be used, only when it is likely discipline will be recommended at any point during the administrative review. At-fault motor vehicle accidents and missed court violations handled as performance will be documented with a PAF.

1. **PAGE DESIGNATION**
In order to ensure that each page contained in an internal investigation report is part of that particular investigation, each page of the report will have the internal investigation (tracking) number unique to that case placed in its upper right corner. Form PSD-018 is set to number its pages in the footer. Attachments will be numbered per paragraph 5.
2. **INFORMATION/SIGNATURE PAGE**
Reports will be completed on a departmental computer using form PSD 018. (see attached form with block by block Instructions) This section includes:
 - A. The internal investigation number;
 - B. The name of the complainant(s);
 - C. The name(s) of the accused;
 - D. The date of the alleged violation;
 - E. The date the complaint was received;
 - F. The nature of the allegation(s) (briefly), i.e., "Civility," "Unbecoming Conduct," etc;
 - G. The name(s) of the investigator(s);
 - H. The date the investigation was completed;
 - I. A signature/date line for review, as applicable, by:

- (1) Professional Services Division (for completeness, etc.)
- (2) First Line Supervisor
- (3) Division Commander
- (4) Bureau Commander
- (5) Chief of Police
- (6) Legal Advisor (if requested by the Chief of Police or PSD Commander)
- (7) Professional Services Division (for final receipt)

3. SUMMARY OF THE INVESTIGATION

- A. The Summary of the Investigation is a logical, objective presentation of the steps taken during the investigation as well as the evidence and information by which the investigator developed his findings. The Summary will include sections that present:
- (1) The **allegation**- a detailing of the allegation(s) and against whom they were made, including any allegations or misconduct that was revealed/ investigated during the investigation;
 - (2) The **investigation**, including:
 - a. Investigative steps taken during the inquiry;
 - b. A summary of SUBSTANTIVE, RELEVANT portions of the statements taken from the complainant(s), witness(es), and the accused;
 - c. References to any PERTINENT evidence on which the finding is based; and
 - d. Any other FACTUAL data that supports the investigator's finding in the case.
 - (3) A conclusion, which includes at a minimum:
 - a. An analysis of the evidence; and
 - b. A conclusion of fact for each allegation and the specific conduct/evidence that supports the conclusion(s).
- B. The Summary will not contain any subjective analysis of the case by the investigator or any issues of mitigation. These matters may be included in any separate recommendation for administrative/disciplinary action if necessary.

4. FINDINGS

All complaints registered with the Department will be closed using the appropriate complaint finding or disposition as defined in [G.O. 1610, "Complaints and Internal Investigations,"](#). The

complaint disposition will be made by the investigator and will be based on the facts uncovered during the inquiry or investigation. Each allegation/violation will be listed in the "findings" section immediately after the summary, with the finding noted for each charge/specification. The findings must be clearly supported by the facts/evidence presented in the summary of the investigation. A disposition (finding) will be noted for each specific allegation or accusation.

5. ATTACHMENTS

All items will be arranged in a logical sequence in order to facilitate review of the investigation. Attachments will be lettered and numbered. For example, attachment "A" will have each page numbered A1, A2, A3, etc. Attachments to the investigation report includes any photograph/photo page, medical report, statement, or other correspondence/document that is part of the investigation. These page numbers will be entered once the investigative report is completed and prior to submission for review.

A. CRF

B. SYNOPSIS OF THE INVESTIGATION (Optional attachment)

A chronological list of dates on which specific investigative actions occurred;

Example: 2/25/07 - Complainant filed CRF
 2/26/07 - Accused notified of complaint
 2/29/07 - Complainant interviewed
 Etc.

The synopsis assists in showing the dates that investigative steps were taken, and is helpful in more involved cases.

C. COMPLAINANT STATEMENT(S)

D. WITNESS STATEMENT(S)

E. ACCUSED STATEMENT(S)

Accused statements will be preceded by the "Notification to Accused of Complaint," the LEOBR paperwork, and a written order to answer questions (as applicable).

F. DEPARTMENT REPORTS

All Incident, Use of Force, arrest, and other department paperwork relevant to the investigation.

G. RELATED DOCUMENTS

(Documents will be filed under separate letter tabs not one tab titled Related Documents)

All other materials relevant to the investigation, including:

- (1) Photographs of the complainant, accused, witness(es), or scenes, if any;
- (2) Radio or telephone recordings (or transcription, if necessary).
- (3) Medical reports regarding the complainant, accused, or witness(es), if applicable;

- (4) Reports detailing the results of any tests such as:
 - a. Polygraph examination
 - b. Intoximeter
 - c. PBT
 - d. Urine/blood test
- (5) Correspondence received from or directed to the complainant, witnesses or accused or to any third party involved in the investigation, such as lawyers, etc., and
- (6) Notes, reports, or correspondence from any individual who has contributed to or been involved in the investigation.

.45 REVIEW AND SUBMISSION OF INVESTIGATIONS; RECOMMENDATIONS FOR ADMINISTRATIVE/ DISCIPLINARY ACTION:

- 1. Internal investigations are fact-finding ONLY, and therefore recommendations for administrative/disciplinary action, while they are submitted at the same time as the investigation, are not considered a part of the investigative report.
- 2. All completed investigations will be submitted to PSD for review prior to being submitted to the accused's chain of command. An Internal Investigation History Form (form PSD-017, available from PSD) and Internal Closure Recommendation (form PSD-013) will accompany all investigations with a sustained finding. EXCEPTION: Investigations completed by supervisors where the supervisor is recommending a non-disciplinary closure may be discussed with the Division Commander. If approved as a non-disciplinary closure by the Division Commander, the supervisor may close the case and forward all documentation, including closure documents, to PSD within seven (7) calendar days.
- 3. The Chief of Police has designated and authorized bureau commanders to approve investigations and discipline (up to a certain level as defined in [G.O. 1620, "Discipline"](#)) in internal investigations with the exception of excessive force investigations or other serious matters. Bureau commanders and/or the Chief of Police may request a Chief's review of any internal investigation.
- 4. The following procedure(s) for submitting an internal investigation for review by the chain of command and for recommending administrative/disciplinary action will be adhered to by all supervisory/command officers within an accused employee's chain of command.
 - A. Upon receipt of an internal investigation report, the PSD will:
 - (1) Review the report to ensure the investigation is thorough and complete and that the findings of fact are based on/supported by the investigation as presented in the report. In the event an investigative report is returned to the investigator for additional action, the reasons will be put in writing;
 - (2) Review the recommendation(s) for administrative/ disciplinary action to ensure the recommendation is within the range of any like-situated cases;

- (3) Forward the approved report to the accused employee's chain of command for review;
 - (4) Consult with the Legal Department as needed;
 - (5) Continue administrative oversight of the case until final disposition, and;
 - (6) Maintain the CRF and investigative file once the case is finally closed according to established procedures.
- B. Upon receipt of a completed investigative report, each member of the accused employee's chain of command will review the investigative file:
- (1) The chain of command will note their review and approval of the investigation by signing the cover page in the appropriate place. A reviewing supervisor/command officer who believes that the investigation is incomplete will contact the investigator to discuss his concerns.
 - (2) Supervisors will formulate and submit with the investigation, using Form PSD-013, a written recommendation for closure of each sustained violation, if any, which will include as background at a minimum the following:
 - a. Previous disciplinary actions;
 - b. The overall performance rating from the last three (3) performance evaluations; and
 - c. Positive notations in the personnel file, i.e., letters of acknowledgment, appreciation, commendation, etc.
 - d. An analysis of the employee's performance from their perspective and a rationale justifying their recommendation.
 - (3) When reviewed above the supervisory level, the reviewer will also indicate his concurrence or non-concurrence with the recommended administrative/disciplinary action by signing the recommendation form. If he does not agree with the recommendation, the reviewer will indicate on the form or attach a written explanation of the reasons for his disagreement and make his own recommendation.
 - (4) The report and the recommendation will be forwarded to the next level of the chain of command within seven (7) calendar days of receipt. Once the report and recommendation is completed, the Supervisor/Commander will send an email to the FPD-IAD group advising them of the submission. This will allow the IAU to maintain proper tracking over the internal review process.
 - (5) If the accused employee has been transferred since the beginning of the investigation, the review of the investigation will be done by the employee's current chain of command, with input sought from the chain of command the member reported to when the incident under investigation occurred if necessary. Recommendations for administrative/disciplinary action will be

made/ reviewed by the current chain of command with input from the supervisor who supervised the employee at the time of the incident.

- C. The accused employee's bureau commander will, upon receipt of an investigative report:
 - (1) Review and forward the file to the PSD or the Chief of Police within seven (7) calendar days;
 - (2) If he concurs with the findings and recommendation for administrative/ disciplinary action (if sustained), have the appropriate paperwork prepared by the PSD, who will then cause the paperwork to be served on the accused.
 - (3) If he disagrees with the findings of the investigation, return the internal investigation report with his comments to the investigator for further investigation as needed;
 - (4) If he disagrees with the recommended administrative/disciplinary action, either note his concerns and return the report to lower command for re-evaluation or he may offer any penalty to the accused which he believes is appropriate by having the appropriate paperwork completed and forwarded/served to the accused.
- D. All investigations that involve an allegation of excessive force or other serious matters will be reviewed by the Chief of Police. In such cases, within seven (7) calendar days the Chief of Police will approve actions to be taken prior to any charges being placed against an employee or the case being closed.
- E. After receiving the internal investigation from the Chief of Police or Bureau Commander as appropriate, PSD will:
 - (1) Prepare, if appropriate, charging and disciplinary documents for the accused and forward them to the appropriate serving party;
 - (2) If accepted, ensure the preparation and service of a Personnel Order to close the investigation;
 - (3) Determine, in the case of SUSTAINED complaints, if an Administrative Hearing Board is required and coordinate scheduling and preparation with the Legal Department;
 - (4) Send a letter to the complainant advising them of the final disposition of the complaint and, for sustained complaints, the discipline imposed;
 - (5) Maintain in file the internal investigation report per existing procedures.
- 5. Investigators will not keep personal file copies of any investigation as outlined in this Order once the investigation is closed.

.50 PROCEDURES FOR PROBATIONARY SWORN AND CIVILIAN EMPLOYEES:

- 1. Procedures for investigation of complaints against probationary sworn and civilian employees

will be the same as that for sworn officers. Civilian employees will not be afforded any rights under the LEOBR. As permitted by law, sworn officers on probation will not be afforded any rights under the LEOBR except in cases of alleged excessive force.

2. Upon a sustained investigation and disciplinary action being approved by the Bureau Commander or the Chief of Police as appropriate discipline will be imposed in accordance with the disciplinary procedures established by the Department. Disciplinary action will be documented on Form PSD-001, "Administrative Action Form," which will be delivered to the employee along with service of any Personnel Order closing the disciplinary action.

.60 INSTRUCTIONS AND GUIDANCE FOR FORM:

Internal Investigation	CRF number
Complainant	Name of complainant
Accused	Accused rank first name last name
Date of Incident	Date Incident occurred
Date Complaint Received	Date complaint received
Nature of Allegation	Alleged violation "Civility," "Unbecoming Conduct"
Investigator	Rank first name last name investigator
Date Submitted	Date submitted for review

(PSD Commander reviews for completeness and format. Chain of Command review to approve investigation and findings.)

Review:

PSD Review	Date
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First Line Supervisor	Date
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Division Commander	Date
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Bureau Commander	Date
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Chief of Police	Date
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Legal Advisor	Date
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Received in PSD for Filing	Date
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**Instructions for Completing Form PSD-018
Summary**

Allegation

It is alleged that on (Date) (Name of accused) (what they did/failed to do; succinctly articulate the alleged conduct)

Investigation

It is best to organize the investigation in the sequence it was conducted or in the sequence of the incident.

1. investigative steps taken during the inquiry
2. a description of all of the evidence collected during the course of the investigation, including interviews, photographs, videos, and all other evidentiary matters to include:
 - a. a summary of SUBSTANTIVE, RELEVANT portions of the statements taken from the complainant(s), witness(es), and the accused
 - b. a description of all other relevant evidence (evidence is relevant when it tends by logical nature and reasonable inference to provide or disprove that an allegation is true or not true
 - c. references to any PERTINENT evidence on which the finding is based; evidence signifies any facts considered by the investigator as information relied upon to reach a reasoned belief about the issue. The summary of evidence is a review of all relevant evidence adduced during the investigation.
 - d. The investigation portion of the write-up should not contain the investigator's conclusions, judgment, and analysis; that would be presented in the conclusion section of the investigation.
 - e. any other FACTUAL data that supports the investigator's finding in the case.

Conclusions

The conclusion should not contain any new information not already presented in the investigation portion of the write-up. The conclusion is a brief analysis as to how the findings were reached based on the facts and preponderance of evidence. It is a summary of the relevant evidence collected and some analysis how and why the evidence was weighed in context, thus causing the investigator to reach their finding; the conclusion includes a synopsis of all witness testimony as it relates to the issue at hand as well as a summary of documentary and physical evidence in the matter.

It will include the reasoning and justification for acceptance of certain evidence, as well as an explanation of why more weight was attributed to one piece of evidence or one witness over another. This is not a redundant restatement of all of the facts, but rather the crystallization of the facts and how the conclusion was reached.

The investigator will include a cogent, justifiable conclusion of fact for each allegation and the specific conduct/evidence that supports his conclusion(s).

Definitions:

A fact is any event or act or condition of things known to have happened based on evidence, independent statements, and collaborative statements.

Assumptions are based on preponderance of evidence and are assumed as happening or existing.

Findings or conclusion are the facts of the case as derived from a logical and rational analysis of the evidence collected and assessed during the course of the investigation.

Preponderance of Evidence: The burden of proof in administrative hearings and administrative investigations is the "preponderance of evidence." The preponderance standard is a measure of how much evidence exists in order to make a conclusion and finding that something occurred or did not occur. When the burden of proof is measured by the preponderance of evidence, it means that the evidence in support of the proposition outweighs the evidence against it, no matter how slightly. Essentially, when the evidence assessed and appropriately weighed indicates that it is more likely than not that the proposition occurred or is true, then that burden of evidence is met. Applied to hearings and administrative investigations, the conclusion should be based on a finding that the evidence is convincing that its existence is more probable than its non-existence. The belief or the truth of the matter must be actual and not speculative. Thus, the conclusion is made when, based on the preponderance of evidence, the investigator(s) are convinced that it is more likely than not that the allegation occurred or did not occur.

FINDINGS

Allegation	Finding
Violation of General Order # Title , paragraph# Title Truthfulness	Sustained/Not Sustained/Unfounded/Exonerated

Allegation	Finding
Violation of General Order # Title , paragraph# Title	Sustained/Not Sustained/Unfounded/Exonerated

Allegation	Finding
Violation of General Order # Title , paragraph# Title	Sustained/Not Sustained/Unfounded/Exonerated

Attachments

- A. (CRF)
- B. (Witness Statement)
- C. (Witness Statement)
- D. (Accused Statement)
- E. (Reports)
- F. (Related Documents)