



POLICY AND PROCEDURES

NUMBER: 110

SUBJECT: Internal Affairs Investigation/
Employee Cooperation

ACA STANDARDS: 4-ALDF-4D-22-8

DIRECTOR: Herbert Bernsen

EFFECTIVE DATE: 6/21/82

REVISION DATE: 5/24/85, 9/97, 7/04
4/11, 5/13, 12/14

I. POLICY

The St. Louis County Department of Justice Services shall address and process all complaints of employee misconduct in order to equitably determine whether the allegations are valid and take appropriate action to protect the integrity of the Department, the County and the staff. Although personnel investigations are difficult, employees shall not allow any unethical conduct to compromise the integrity of the Department or the high standards of the Corrections field.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' staff are responsible for the following procedures.

III. DEFINITIONS

Illegal Act: Any violation of a city, state or federal statute or constitutional provision committed either by an inmate or by staff.

Misconduct: Violation of any rule, policy or procedure of the St Louis County Department of Justice Services or St. Louis County Government Civil Service Rules.

Internal Affairs Division: The investigative division of the Department of Justice Services. This division is strictly investigative, not punitive.

Complainant: The person who alleges the commission of a violation or misconduct on the part of an employee of the Department of Justice Services.

Investigative: Involved in a systematic process of collecting physical evidence and evaluating statements received from witnesses, in order to determine the validity of a particular claim.

Punitive: Involved in the disciplinary process, including, but not limited to, letters of reprimand, suspensions, demotions or terminations.

IV. PROCEDURES

A. Internal Affairs Function

1. The Internal Affairs Officer, under the authority of the Director of the Department of Justice Services, shall investigate complaints of activities that constitute either misconduct on the part of an employee or an illegal act involving an inmate or a member of the staff.
2. If an employee is suspected of committing a serious violation that could lead to a criminal investigation, all evidence must be preserved until the Internal Affairs Officer arrives and takes responsibility for the investigation. (See Policy #840 Evidence Preservation)
3. If a criminal investigation is initiated by an outside agency, the Internal Affairs Officer will act as the liaison between the Department and the investigating agency. Employees of the Department of Justice Services are expected to fully and promptly cooperate in all law enforcement matters and investigations.
- [4. If the alleged violation is not a major violation or if the Internal Affairs Division is overloaded, the investigation may be given to the Director for assignment to the *Superintendent of Security, Superintendent of Fiscal/Human Resources, or a Unit Manager.*]
5. Areas of investigation may include, but are not limited to:
 - a. Conduct unbecoming an officer, both in private and in public.
 - b. Initial internal investigation of criminal acts committed by staff members and/or inmates.
 - [c. Sexual harassment *allegations involving staff or inmates*]

- [d.]** *Staff sexual misconduct allegations involving staff and inmates in accordance with the Prison Rape Elimination Act (PREA)]*
 - e.** Abuse or fraud involving employee sick leave.
 - f.** Directing complaints from the public to the proper authority.
 - g.** Inappropriate use of force against an inmate, by an employee.
 - h.** Verbal abuse directed at an inmate(s) or employee(s).
 - i.** Theft of inmate property.
 - j.** Theft of county equipment and/or property.
 - k.** Complaints from other agencies
 - l.** Violations of any federal, state or local laws.
 - m.** Violation of any Justice Services' Policy
- 6.** All complaints submitted to the Internal Affairs Officer shall be documented and entered into the Internal Affairs files.
- [7.** If a complaint is received, it will be the responsibility of the Unit Manager to address the issue within twenty-four (24) hours and to determine if the issue can be resolved without a formal investigation. If a Unit Manager believes an investigation is necessary, he/she will refer the matter to the Director, *who will determine if the Internal Affairs Officer shall conduct an investigation.]*
- [8.** All interviews *with staff* will be recorded by the Internal Affairs Officer. Any staff who is interviewed by the Internal Affairs Officer will be informed in writing that the interview is being recorded. The staff member will sign the Internal Affairs Recording Form (Attachment 1) informing him/her that the interview will be recorded to verify that he/she has been informed of the recording of the interview.]
- 9.** The employee shall receive a confidential written notification of a complaint against him/her, unless the integrity of a covert investigation could be compromised.

10. The Internal Affairs Officer shall notify the complainant of departmental policy concerning the complaint and actions taken to resolve the issue.

B. Officer/Employee Responsibility

- [1. If an employee is aware of any violation of policy by another employee, or of any illegal act committed by an inmate or an employee, it shall be his/her responsibility to report it to his/her supervisor, *Unit Manager, Watch Commander, Internal Affairs Officer, Superintendent of Security, Superintendent of Fiscal/Human Resources, or the Director.*
 - a. If a violation involves an employee's supervisor or if the employee is uncomfortable reporting the violation to a supervisor, regardless of the supervisor's position, the employee may report directly to the Internal Affairs Officer or the Director of Justice Services.
2. It shall be the employee's responsibility to immediately inform his/her *Supervisor, Watch Commander, Unit Manager, the Internal Affairs Officer, Superintendent of Security, Superintendent of Fiscal/Human Resources, or the Director* if he/she is arrested for any illegal act, excluding minor traffic violations.
3. All employees shall cooperate with requests made by the Internal Affairs Officer and the Department during a departmental investigation. This will include, but is not limited to:
 - a. Submitting written reports.
 - b. Interviews.
 - c. Polygraph examinations.
 - d. Drug/Alcohol testing.
4. Failure to cooperate with a departmental investigation will result in disciplinary action and/or termination.

C. Notification of Disposition

1. Upon completion of the investigation, the Internal Affairs Officer shall submit the findings to the Director or his/her designee for review, along with any recommendations for further investigations or dispositions.

2. The findings by the Internal Affairs Officer shall be summarized as:
 - a. Sustained - supported by sufficient evidence.
 - b. Not sustained - insufficient evidence to prove or disprove the allegation.
 - c. Unfounded - the alleged incident did not occur.
 - d. Exonerated - the evidence clears the accused of any wrong doing.
3. The Director/designee shall notify the employee in writing of the findings and of any disciplinary or remedial action to be imposed. If the employee is exonerated or if the allegations are determined to be unfounded or not sustained, all persons involved will be notified and no record of the allegations shall appear in the employee's personnel file, but a complete record of the investigation will be entered into the Internal Affairs Department files.
4. All statements given to the Internal Affairs Officer during an internal investigation shall remain confidential and will be evaluated only by Departmental Administration as it pertains to administrative proceedings. It shall not be used against an employee in subsequent criminal proceedings (Garrity vs. New Jersey).

D. Employee Rights/Grievance Procedure

1. The employee has the right to examine information entered into his/her Department of Personnel file. This request must be submitted to the Director of the Department of Justice Services. However, due to the sensitive nature of an investigation, employees will not be allowed to examine information entered into the file maintained by Internal Affairs.
2. When being questioned by the Internal Affairs Officer/designee, the employee has the right to non-adversarial representation by a union representative, at his/her request. The representative will be allowed to observe the questioning but will not be allowed to interfere with the hearing in any way.
3. If the findings of the Internal Affairs investigation lead to a criminal investigation by the police, or other law enforcement

agencies, the employee will be guaranteed all the rights and protection afforded by state, federal and Supreme Court rulings governing criminal investigations.

4. If a complainant or an employee is not satisfied with the results of an investigation, he/she has the right to file a grievance, as stipulated in the Civil Service Commission Rules. (See Policy #126 Employee Conflict Resolution/Grievances)

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