
LAURENS COUNTY LAW ENFORCEMENT CENTER

STANDARD OPERATING PROCEDURES

SOP# A-150

PAGE # 1

SUBJECT: INTERNAL AFFAIRS

INDEX AS: INTERNAL AFFAIRS

EFFECTIVE DATE: 6/24/2005 REVISED DATE:

I. INTERNAL AFFAIRS

II. OBJECTIVES OF INTERNAL AFFAIRS:

- A. Protection of the Public: The Public has the right to expect efficient, fair, and impartial law enforcement, therefore, any misconduct by the Departmental Personnel must be detected, thoroughly investigated and properly adjudicated to assure the maintenance of these qualities.
- B. Protection of the Department: The Department is often evaluated and judged by the conduct of its personnel. It is imperative that the entire organization not be subjected to public censure because of misconduct by a few of its personnel. When an informed public knows that its Sheriff's Department honestly and fairly investigates and adjudicates all allegations of misconduct against its personnel, the public will be less likely to feel any need to raise a cry of indignation over alleged incidents of misconduct.
- C. Protection of the Employee: Personnel who engage in serious acts of misconduct or who have demonstrated that they are otherwise unfit for law enforcement work, must be removed for the protection of the public, the department and the employees.

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- D. Correction of Procedural Problems: The Department is constantly seeking to improve its efficiency and the efficiency of its personnel. Occasionally, personnel investigations disclose faulty procedures that otherwise would have gone undetected. These procedures can then be improved and corrected.

III. RECEIVING AND PROCESSING COMPLAINTS:

- A. When a complaint is made against a member of this department, whether it be made in person, by telephone, or by mail, the CHIEF DEPUTY shall prepare or cause to be prepared a written memorandum setting forth the complaint exactly as stated by the complainant, being particular to obtain the names and address of all witnesses if possible for further investigation and shall by the end of the shift, forward to the member's Supervisor, the Sheriff and Internal Affairs within twenty-four (24) hours of receipt of the complaint.
- B. The Supervisor shall review the complaint report and on minor rules infractions, as directed by the Sheriff, be responsible for the investigation and determination of the allegation. Upon the completion of the investigation by the Supervisor, a report will be submitted to the Sheriff and Internal Affairs, setting forth the findings of said investigation.
- C. Allegations of charges greater than minor rules violation, shall, at the discretion of the Sheriff, be assigned to Internal Affairs. Internal Affairs shall conduct a thorough investigation of the charges and allegations and shall submit a detailed report to the Sheriff.

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- D. All complaints against members of the Laurens County Law Enforcement Center shall be objectively investigated and evaluated and all known facts will be detailed in writing. All allegations, whether minor or major in nature, will be conducted with one of the following dispositions:
1. Unfounded:
In that the complainant admitted to false allegations; the charges were false or not factual; or the employee was not involved in the incident.
 2. Unsubstantiated:
In that there is insufficient evidence to sustain the complaint.
 3. Substantiated:
In that the allegation is supported by sufficient evidence to indicate that the employee did commit the alleged act.
 4. Exonerated:
In that the incident occurred, but the employee's actions were justified, lawful and proper.
- E. At the discretion of the Sheriff, the following types of incidents shall be referred to Internal Affairs for review and investigation, however the Sheriff may at any time refer any matter to an outside Agency for review and/or investigation.
1. Incidents in which the completion of a use of force report is required.
 2. Complaints involving allegations of Civil Rights violations.
 3. Incidents involving allegations of criminal or unethical activity.

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4. Incidents involving off duty misconduct.
 5. Allegations of negligence or neglect of duty resulting in bodily injury or death.
 6. Incidents involving Laurens County Law Enforcement Center Supervisors.
 7. Violations of other department rules and regulations as determined by the SHERIFF.
 8. Incidents without a complaint, including suicide, pursuits, lawsuits, changes in living, rumor of sexual harassment, hostage situations, road block, reports of an event that show sharp disparity and all events that had potential of injury.
- F. Complaints involving minor traffic violations, violations of departmental rules and regulations such as discourtesy to the public, etc., shall be handled under normal circumstances by the employee's own division, without referring the matter to Internal Affairs for investigation unless one of the above listed criteria is applicable or there is more information to be gathered concerning the complaint which creates the need for investigative personnel. The referral of complaints to Internal Affairs shall be made at the discretion of the Sheriff.

IV. BRIEFING AND PROCEDURAL DECISIONS:

The Sheriff shall be advised of all findings in regard to internal investigations to help in the decision of whether to handle such investigation in an administrative or criminal process. It shall be the responsibility of Internal Affairs to advise the Sheriff of these findings.

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V. PREPARATION AND COMPLETION OF INVESTIGATION FILE:

- A. Secure any and all Evidence.
- B. Contact the complainant and witnesses, if possible to determine allegations of misconduct by the department employee and arrange a date, time, and place to take statements. All statements will be tape recorded and if necessary transcribed for review. Have Employees sign gag order form and advise employee of investigation silence.
- C. Contact any department employees who were involved in or who are determined to have relevant knowledge of the complaint or alleged misconduct.
- D. View the scene if known and if possible.
- E. Recruit any assistance needed to process the scene, if necessary.
- F. Obtain any photographs of victims and/or officers injuries.
- G. Obtain any medical releases and medical records as needed.
- H. Prepare a photographic lineup of Departmental employees for identification purposes, if necessary.
- I. Document any inability to contact the complainant.\
- J. Make no statement of personal opinion in the report.
- K. Make no recommendation of disciplinary action in your report.

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VI. OBTAINING COMPLAINANT AND WITNESS STATEMENTS:

- A. Obtain a formal statement from the complainant whenever possible. All statements will be tape recorded.
1. The complete details of the allegations will be revealed to the department employee being accused.
 2. Should the investigation conclude with an imposition of some type of appealable disciplinary action, and the employee appeals, the complainant may be required to testify in an appeal hearing or a court of law.
 3. Finish all statements as follows: "Is there anything that I have failed to ask that you would like to add to this statement?" "Has everything you have stated been the truth to the best of your knowledge?"
 4. Obtain all witness statements using the same format.

NOTE: SEE EXHIBIT A-PROCEDURES FOR COMPLAINANT INTERVIEW
EXHIBIT B-PROCEDURES FOR CIVILIAN WITNESS INTERVIEW

VII. OBTAINING STATEMENTS FROM THE ACCUSED:

- A. Contact the accused member to arrange for a statement, trying to schedule the interview while the accused employee is on duty , if possible.
- B. Prior to obtaining taped statements from employees, prepare the proper rights waiver form to be used.
- C. If the investigation has been deemed criminal in nature, utilize the standard Miranda rights waiver form.
- D. Upon commencing the tape recorded statement, the investigator will state the date, the time, the location, and the names of all persons present.

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- E. If the investigation is criminal in nature, the investigator will read the Miranda rights to the accused employee from the form.
- F. After issuing the Miranda rights, the accused will be asked if they wish to waive their rights. If the accused agrees to waive their rights, have them sign the form and continue with the statement.
- G. If the accused declines to waive these rights, the criminal investigative statement will **IMMEDIATELY** be terminated. At the discretion of Internal Affairs, the accused will be compelled by his/her supervisor to answer specific and narrowly directed questions after being read the Garrity 5-part warning.

NOTE: SEE EXHIBIT F- EMPLOYEE STATEMENTS RIGHTS (CRIMINAL)

VIII. OBTAINING STATEMENTS FROM EMPLOYEES ADMINISTRATIVELY:

- A. Employees who are not advised of Miranda (administrative inquiries) or those who did not waive their Miranda rights (in a criminal inquiry) will be informed by the investigator that the statement will proceed for administrative purposes only. In such cases, a Laurens County Law Enforcement Center Administrative Rights form will be utilized.
- B. Upon commencing the taped statement, the Administrative Rights form will be read to the accused employee.
- C. The accused will then be asked to sign the administrative statement, his Supervisor shall be summoned by the investigator. The Supervisor of the accused shall give a direct order to the accused compelling him to give a statement. If the accused member still refuses to give a statement and answer questions he shall be immediately relieved of duty by his Supervisor. Accused may invoke Garrity at this time. The statement(s) may not be used against him/her in a criminal case.

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- D. If the accused member voluntarily, or after the order from his Supervisor, gives an Administrative Statement, it will be closed as follows:
1. Is there anything that I have failed to ask that you would like to add to this statement?
 2. Has everything you have stated been the truth to the best of your knowledge?
- E. The accused employee under investigation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answer questions.
- F. During the taking of statements, the accused employee will be allowed time for personal necessities and rest periods as reasonably needed.
- G. All breaks and rest periods shall be recorded on the tape with the time stopping and starting with the statement.
- H. Avoid any off record conversations with the accused employee which are related to the investigation.
- I. If during the statements of witnesses they make self-incriminating statements concerning criminal acts, the investigator should immediately delay further questioning until Miranda rights are given and waivers are obtained.
- J. If during the taking of statements, procedural questions arise, it should be brought to the attention of the Sheriff, and if he deems appropriate, the department legal advisors will be consulted.

NOTE: SEE EXHIBIT C-SUBJECT EMPLOYEE STATEMENTS INTERVIEW PROCEDURES
EXHIBIT D-EMPLOYEE STATEMENTS-WITNESSES INTERVIEW PROCEDURES
EXHIBIT E-ADMINISTRATIVE RIGHTS STATEMENT

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IX. COMPLETED INVESTIGATIVE FILE DISTRIBUTION

When the investigation is completed, a complete copy of the case file, including all reports and statements, shall be forwarded to the Sheriff for review. The original file and all physical evidence will remain in the custody of Internal Affairs.

A. Notification to Complainant:

At the completion of all Investigative procedures and a final disposition has been documented:

The Investigative Officer of the complaint shall prepare, in memorandum format, a notification of disposition to the complainant. This notification shall outline the complaint, as stated in the Complaint Receipt form, and shall include:

1. Unfounded
2. Unsubstantiated
3. Substantiated
4. Exonerated

This memorandum shall be placed in the employee file as well as the Internal Affairs File- if applicable.

X. FILE SECURITY PROCEDURES:

A. Files will be accessible only to personnel assigned to Internal Affairs, the Major, the Sheriff, and other personnel being specifically authorized, while it is under investigation.

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EXHIBIT A

PROCEDURES FOR COMPLAINANT INTERVIEW

Today's date is: _____

My name is: _____ and I am the Investigator in this case.

Would you state your name for the record.

Age

Date of Birth

Address

Telephone Number

Business Address

Business Phone

_____, are you appearing here today, without any promises, without any threats or duress to make a complaint against certain employees of the Laurens County Law Enforcement Center.

_____, are you aware that anything you say may or may not be used in a court of law?

_____, are you aware that your conversation with this investigator is being recorded?

Complaint:

Who:

What:

Where:

Why:

1. _____, is there anything that I have failed to ask you that you would like to add to this statement?

2. _____, has everything you said been the truth to the best of your knowledge?

3. _____, if it becomes necessary, would you voluntarily submit to taking of a polygraph test (lie detector test)?

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EXHIBIT B

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PROCEDURES FOR CIVILIAN WITNESS INTERVIEW

Today's Date is: _____

My Name is _____, and I'm the Investigator in this case.

Would you state your name for the record.

Age

Date of Birth

Address

Telephone Number

Business Address

Business Phone

_____, are you appearing here today, freely and voluntarily, without any promises, without any threats or duress to provide information in an investigation being conducted by the Laurens County Law Enforcement Center.

_____, are you aware that anything you say may or may not be used in a court of law?

Body of statement as the facts and circumstances surrounding the alleged complaint.

Complaint:

Who:

What:

When:

Where:

Why:

How:

1. _____, is there anything that I have failed to ask you that you would like to add to this statement?

2. _____, has everything you said been the truth to the best of your knowledge?

3. _____, If it becomes necessary, would you voluntarily submit to the taking of a polygraph test (lie detector test) ?

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EXHIBIT C

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SUBJECT EMPLOYEE STATEMENT INTERVIEW PROCEDURES

I am _____, of Internal Affairs . I will be the Investigator in charge of this case. You are being questioned in an official investigation of the Laurens County Law Enforcement Center , by _____, to the effect that _____ occurred. This investigations is being handled Administratively rather than criminal.

Your conversation with this Investigator is being tape recorded.

1.This is an Administrative proceeding, and you have an obligation to truthfully answer questions put to you that are specifically directed and narrowly related to performance of official duties.

2.Any admissions made by you in the course of this proceeding may be used as a basis for disciplinary action being taken against you.

3.You are advised that your statements or responses constitute an official report.

4.If you refuse to answer questions put to you, you will be ordered by a Superior Officer to answer the questions.

5.If you persist in your refusal after the order has been given to you , you are advised that such a refusal constitutes a violation of the Rules and Regulations of the Laurens County Law Enforcement Center and will serve as a basis for disciplinary action being taken against you.

6.If you are ordered to respond, you are further advised that any admissions made by you during the course of its proceeding cannot be used against you in a subsequent criminal proceeding.

STATE YOUR NAME, RANK, AND CURRENT ASSIGNMENT.

BODY OF STATEMENT:

1. _____, Is there anything that I have failed to ask you that you would like to add to this statement?

2. _____, has everything you said been the truth to the best of your knowledge?

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EXHIBIT D

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WITNESS STATEMENT INTERVIEW PROCEDURES

I am _____, of Internal Affairs . I will be the Investigator in charge of this case. You are being questioned as a witness in an official investigation of the Laurens County Law Enforcement Center. A complaint has been made against _____, by _____, to the effect that _____ occurred.

Your conversation with this Investigator is being tape recorded. Department Rules and Regulations state that Employees shall answer all questions honestly, completely, and to the best of their ability. No employee shall, in any manner, interfere with an internal investigation. Except as authorized or required , an Employee shall not contact persons involved in an internal investigation.

DO YOU UNDERSTAND THIS:

STATE YOUR NAME, RANK AND CURRENT ASSIGNMENT.

BODY OF STATEMENT:

1. _____, Is there anything that I have failed to ask you that you would like to add to this statement?
2. _____, has everything you said been the truth to the best of your knowledge?

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EXHIBIT E

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RIGHTS STATEMENT FOR SUBJECT EMPLOYEE

NAME	DATE	RANK	ID #	UNIT/ASSIGNMENT

You are involved in an administrative proceeding at this time. Due to the fact, you are hereby advised of the following:

1. This is an administrative proceeding, and you have an obligation to truthfully answer questions put to you that are specifically directed and narrowly related to performance of official duties.
2. Any admissions made by you in the course of this proceeding may be used as basis for disciplinary action being taken against you.
3. You are advised that your statements or responses constitute an official report.
4. If you refuse to answer questions put to you, you will be ordered by a superior officer to answer the questions.
5. If you persist in your refusal after the order has been given to you, you are advised that such a refusal constitutes a violation of the Rules and Regulations of the Laurens County Law Enforcement Center and will serve as a basis for disciplinary action being taken against you.
6. If you are ordered to respond, you are further advised that any admissions made by you during the course of this proceeding cannot be used against you in a subsequent criminal proceeding.

The undersigned hereby acknowledges that he/she was informed of the above rights.

SUBJECT SIGNATURE

WITNESS SIGNATURE

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EXHIBIT F -PAGE 1

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EMPLOYEE STATEMENT RIGHTS (CRIMINAL)

If the person to be interviewed is a criminal suspect, is under arrest, or is likely to be placed under arrest as a result of the statement-interview, appropriate rights are to be explained prior to the commencement of the statement- interview.

I am _____, of Internal Affairs . I will be the Investigator in charge of this case. You are being questioned in an official investigation of the Laurens County Law Enforcement Center. A complaint has been made against _____ by _____ to the effect that _____ occurred.

Your conversation with this Investigator is being recorded.

You are entitled to all the rights and privileges guaranteed by the laws and Constitution of this state and the Constitution for the United States, including the right not to be compelled to incriminate yourself.

Should you talk to me, anything which you might say in answer to my questions can and will be introduced into evidence in court against you.

If you want an attorney to be present at this time or anytime hereafter, you are entitled to such counsel.

If you cannot afford to pay for counsel, one will be provided to you without charge.

AFTER READING THE RIGHTS, ASK THE FOLLOWING QUESTIONS AND RECORD THE RESPONSE.

Do you understand the Miranda Rights as I have read them to you?

Do you wish to have an attorney at this time?

Are you willing to answer my questions without having an attorney present?

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EXHIBIT F-PAGE 2

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EMPLOYEE STATEMENT RIGHTS (CRIMINAL)

1. After addressing the Miranda warnings, the person will be asked if he/she wishes to waive their rights as far as criminal procedures are concerned.
 - a. If the person agrees, continue with the statement.
 - b. If the person declines, the investigative statement session will terminate. Then follow the procedure for an Administrative Statement.
2. This is an Administrative proceeding, and you have an obligation to truthfully answer questions put to you that are specifically directed and narrowly related to performance of official duties.
3. Any admissions made by you in the course of this proceeding may be used as a basis for disciplinary action being taken against you.
4. You are advised that your statements or responses constitute an official report.
5. If you refuse to answer questions put to you, you will be ordered by a Superior Officer to answer the questions.
6. If you persist in your refusal after the order has been given to you, you are advised that such a refusal constitutes a violation of the Rules and Regulations of the Laurens County Law Enforcement Center and will serve as a basis for disciplinary action being taken against you.
7. If you are ordered to respond, you are further advised that any admissions made by you during the course of this proceeding cannot be used against you in a subsequent criminal proceeding. GARRITY HEARING.

STATE YOUR NAME, RANK AND CURRENT ASSIGNMENT

BODY OF STATEMENT

1. _____, Is there anything that I have failed to ask you that you would like to add to this statement?
2. _____, Has everything you said been the truth to the best of your knowledge?

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EXHIBIT G-PAGE 1

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COMPLAINT FORM

Date: _____

Employee: _____ Phone: _____

Assignment: _____

Duty Station: _____

Supervisor: _____ Phone: _____

~~Complainant: _____ Phone: _____~~

Address: _____

~~Date of Incident: _____~~

Location of Incident: _____

Complaint and supporting facts (including witnesses names):

(Use additional sheets if needed.)

I understand that this is an official document of the Laurens County Sheriff's Department and that it will be used to determine whether an employee is guilty of misconduct, unprofessional behavior or criminal activity. By my signature, I am verifying that I have carefully read this document and that, based on my personal knowledge I believe and shall testify on each and every allegation raised to be true.

Complainant's Signature _____ Date: _____

Person receiving Complaint: _____

Location: _____ Date Received _____

Type of Complaint: _____

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EXHIBIT H PAGE 1

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COMPLAINT PROCESSING

Date complaint received by supervisor: _____
Date acknowledgment mailed/delivered to complainant: _____
Date complaint mailed/delivered to charged employee: _____
Date complaint advised to Internal Affairs: _____

Charged Employee's Response:

Four empty rectangular boxes stacked vertically for the charged employee's response.

(Use additional sheets if needed.)

I understand that this is an official document of the Laurens County Sheriff's Department and that it will be used to determine whether I am guilty of misconduct, unprofessional behavior or criminal activity. By my signature, I am verifying that I have carefully read this document and that, based on my personal knowledge, I believe each and every statement to be true. I further understand that if I make a false statement on this form, I will be guilty of insubordination and misconduct. I also understand that it will be a felony to knowingly make any false statement on this form and that if I make any such false statement, I will be subject to criminal prosecution under the laws of this state including, but not limited to, O.C.G.A. s 16-10-20.

Charged employee's signature: _____ Date: _____

SUPERVISOR'S REVIEW

- 1. Are all statements attached? Yes No
- 2. Are there any video or audio tapes of the incident Yes No
- 3. Are there any relevant local records (e.g. radio logs, stop logs)? Yes No
- 4. Are there any incident reports? Yes No
- 5. Is there a use of force report? Yes No
- 6. Are there any outside documents (e.g. other agency reports)? Yes No

All documents and tapes identified above must be forwarded through the chain of command with this form to the adjutant's office.

The information identified on this form, has been reviewed by the supervisor listed below who certifies that the information in the supervisor's review is correct.

Supervisor's Signature: _____ Date: _____

____ Investigation not warranted

____ Referred for administrative investigation to: _____

____ Referred for Internal Affairs investigation to: _____

GAG ORDER

As a witness employee to the investigation of Complaint:

I, _____ fully understand that I shall not make comment, written or other, in regards to the above investigation. I shall report any retaliation or other communication to the Investigative Officer immediately.

Date: _____

Witness: _____

Signature: _____

Witness: _____

RECEIPT OF COMPLAINT

To: _____

Address: _____

Charged Employee: _____

This is to acknowledge receipt of your complaint against the above named personnel. Your complaint will be considered in accordance with the policies of the Laurens County Sheriff's Office.

Supervisor

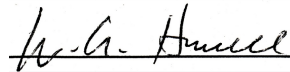
Date

Phone: _____

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W. A. HARRELL
SHERIFF

6/24/2005
DATE