



Athens-Clarke County

Police Department

Directive 2.31



COMPLAINTS AND DISCIPLINARY ACTIONS

Effective Date: September 8, 2020

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2.31.01 POLICY/PURPOSE

It shall be the policy of the Athens-Clarke County Police Department (ACCPD or Department) to investigate all allegations of misconduct, including anonymous complaints, against the Department or its employees and to take remedial or disciplinary action when appropriate. All complaints, whether initiated by citizens or Department employees, are to be thoroughly and fairly investigated, reviewed, and documented.

[CLE 26.2.1] and [CC 1.4.1]

It shall further be the policy of the ACCPD to make the process for filing a complaint of employee misconduct available to the public in a manner that is accessible, understandable, and simple to initiate and complete.

[CLE 26.2.4] and [CC 1.4.12]

The purpose of this written directive is to ensure the integrity and legitimacy of the ACCPD and its employees and enhance the trust of its employees and the community by establishing procedures for effectively and efficiently reporting, resolving, and documenting complaints of employee misconduct.

Supervisors are encouraged to initiate Unit-Level Inquiries for allegations of minor misconduct such as policy/procedural infractions or minor, non-repeated code of conduct violations. Typically, these are violations that, if sustained, would only warrant Counseling/Coaching actions. Generally, more serious misconduct such as integrity issues, major code of conduct violations, excessive force, or other sensitive matters should be referred for an Administrative Investigation. Typically, these are violations that, if sustained, would require disciplinary action.

[CLE 26.3.1 a-b] [CC 1.4.1a-b] and [SC 3.7 a, b]

2.31.02 DEFINITIONS

Accused Employee: any employee who is alleged to have engaged in employee misconduct.

Administrative Investigation: a formal process of gathering information when an allegation of employee misconduct rises to the level that a Unit-Level Inquiry would be insufficient either because the allegation is of a serious nature that, if sustained, would result in disciplinary action or due to the sensitivity or complexity of the matter; or any similar process conducted at the direction of the Chief of Police.

BlueTeam: a web-based “frontline” software component, which streamlines administrative files from the field, through the chain of command, to their ultimate destination in the IAPro database. Entries may include Complaints, Administrative Investigations, Use-of-Force Investigations, Miscellaneous Entries, Awards / Commendations, Vehicle Crash Data, Firearm Discharge Data, and Pursuit Reports.

Athens-Clarke County (ACC) Code: constitutes the publication of general and permanent ordinances of the Unified Government of Athens-Clarke County, Georgia.

Complainant: any person who files an allegation of employee misconduct or a complaint about the policies, procedures, or practices of ACCPD.

Complaint: any allegation by an individual of a specific act or omission of an ACCPD employee that amounts to employee misconduct or any question or expression of dissatisfaction about a specific policy, procedure, or practice of ACCPD. This *does not* necessarily include disputes or disagreements over the validity of traffic/parking citations or allegations of false arrest.

- Internal: complaints that originate from any ACCPD employee
- External: complaints that originate from any source outside the department

Counseling/Coaching: oral or written guidance, direction, and instruction given to an employee by a supervisor based on minor employee misconduct or procedural infractions. Oral or Written counseling/coaching notifies the employee of the deficient behavior and provides a means to address the behavior outside of the disciplinary system. Counseling/coaching, whether written or oral, Performance Improvement Plans (PIP), training, EAP referrals, etc. are not formal discipline nor used for consideration during annual employee performance evaluations and therefore are non-grievable.

Employee: any person employed by ACCPD, whether sworn or non-sworn, part-time or fulltime, paid or volunteer.

Employee Assistance Program (EAP): a work-life balance program offered by the Athens-Clarke County Unified Government to its employees to help employees find solutions for the everyday challenges of work and home, as well as for more serious issues involving emotional and physical well-being.

Employee Misconduct: any act or omission of a departmental employee, whether on duty or off duty, that, if proven true, would constitute a violation of departmental policy, procedure, or training.

Formal Discipline: a punitive action against an employee such as a written reprimand, suspension (with or without pay), loss of annual leave or benefits, transfers which impact pay or position classification, extensions of probationary periods, demotion, and/or termination that is imposed by the Chief of Police.

IAPro: Internal database used to electronically capture and catalogue information contained in administrative files. The system is managed and by the Office of Professional Standards and is only accessible by members of the Office of Professional Standards, the Chief of Police, and Standards and Accreditation.

Mediation: an informal process of complaint resolution through which the appropriate authority acts as an intermediary between the complainant and the accused employee to discuss and resolve a complaint.

Non-Investigative Matter: an allegation or issue not requiring any investigative process because it a) does not rise to the level of employee misconduct; b) is clearly unfounded or exonerated by body-worn camera video; c) is not disputed by the accused employee and is of a very minor nature that, if sustained, would not typically result in discipline; or d) is merely a difference of opinion about a situation that is better resolved in court (i.e., an officer's decision to cite/arrest a person).

Office of Professional Standards: the departmental personnel primarily responsible for oversight of the complaint and disciplinary action processes and administrative investigations.

Preponderance of Evidence: standard by which the burden of proof is met when there is greater than 50% chance that a complaint is true.

Public Service Report Form: the standardized form used by ACCPD for external complainants to submit a complaint of employee misconduct, to commend an employee for his/her service, to complain about agency policy or procedure, or to suggest improvements to agency practices.

Unit-Level Inquiry: a method for addressing allegations of employee misconduct or performance issues of the nature that, if sustained, would not typically result in disciplinary action such as minor code of conduct violations and/or policy/procedural infractions.

Use of Force Investigation: Method for reviewing an incident in which an employee of the ACCPD utilizes some type of reportable force.

2.31.03 SCOPE OF THIS DIRECTIVE

- A. The provisions of this directive concern alleged or suspected violations of federal statutes, state statutes, county ordinances, Departmental directives, and oral or written orders.

- B.** These violations include those reported by the public, orally or in writing, either by telephone, or by correspondence to anyone employed by this Department. Violations also include any incidents that are observed or known by Department employees, or those reported by other departments or offices of the Athens-Clarke County Unified Government.

2.31.04 AUTHORITY AND RESPONSIBILITIES

- A.** Responsibility for Departmental disciplinary actions rest with the Chief of Police. Except for supervisory responsibilities and emergency suspension/relief of duty, the Chief of Police or designee must approve all formal Department discipline.

[CLE 26.1.5] and [CC 3.6.6]

- B.** Employees of this Department will perform the duties and assume the obligations of their rank or position in the investigation of complaints or allegations of misconduct. Supervisors/Commanders bear heightened responsibility for properly reporting all complaints or observations of employee misconduct and for taking action to prevent further aggravation of an incident resulting in a complaint.
- C.** The Office of Professional Standards Commander reports directly to the Chief of Police, or designee, and functions independently of all other chains of command. The Office of Professional Standards Commander will be responsible for reporting complaints to the Chief of Police.

[CLE 26.2.3] and [CLE 26.3.2] and [CC 1.4.3] and [CC 1.4.2]

- D.** It will be the duty of all employees to cooperate fully with investigators assigned to conduct investigations. All employees will truthfully answer all questions directed to them by the investigators, supervisors, or commanders, as well as furnish written statements. In addition, they will give all pertinent information of which they may have knowledge that is related to the investigation in question. Employees will not encourage any other person to withhold information or to provide untruthful information during any investigation.
- E.** The Office of Professional Standards will maintain record of all complaints against the Department or its employees. These records will be deemed confidential and secured within the IAPro database. Any physical files will be secured in a locked file cabinet accessible only to the Office of Professional Standards and the Chief of Police. Records shall be maintained according to applicable laws.

[CLE 26.2.2] and [CC 1.4.10]

- F.** The Office of Professional Standards Commander will compile an Annual Statistical Summary on complaints received from both external and internal sources. This Summary will be made available to the public and to the employees of this Department.

[CLE 26.2.5] and [SC 3.7 c] and [CC 1.4.11]

2.31.05 REPORTING OF VIOLATIONS

- A.** All complaints will be restricted to the specific allegation(s) of employee misconduct, violation(s) of the law, or of Department and other lawful orders and will not include those incidents of differences of opinion relating to matters that are subject to being resolved in court.
- B.** Department employees receiving complaints against other employees of this Department will immediately notify a supervisor, who will determine the nature of the allegations and document the complaint in BlueTeam. Supervisors will notify the appropriate Division Commanders and the Office of Professional Standards for all complaints of misconduct. Division commanders, in consultation with the Office of Professional Standards, will determine the need for a Unit-Level Inquiry or an Administrative Investigation. Employees will not advise complainants that a complaint must be reduced to writing before it will be accepted. Complaints will be accepted regardless of whether the complainant offers a written statement.
- C.** The Office of Professional Standards Commander will notify the complainant when an Administrative Investigation is initiated. Notification may be made by mail, email, or telephone and will be documented in the file. The notification will include verification the complaint has been received and a schedule for status notification to the complainant.

[CLE 26.3.4 a, b] and [CC 1.4.5 a, b]

- D.** The Office of Professional Standards Commander will notify the Chief of Police immediately upon receiving complaints regarding discharge of a weapon other than at an approved range or when dispatching an injured animal, allegations of brutality, allegations of criminal misconduct, allegations of sexual harassment/workplace discrimination, and other complaints of a sensitive or controversial nature as determined by the Office of Professional Standards Commander.

[CLE 26.3.2] and [CC 1.4.3]

- E.** The Office of Professional Standards Commander will, except in those cases where confidentiality is necessary to the investigation, notify the commander of the employee and the employee of the complaint as soon as practical. For an Administrative Investigation, notice will be provided in writing and shall include a statement of the allegations and the employee's rights and responsibilities relative to the investigation.

[CLE 26.3.5] and [CC 1.4.6]

- F.** If the complaint is made in person, every effort will be made to obtain a written or recorded statement from the complainant at the time the complaint is lodged, regardless of against whom the complaint is made.
1. If the complainant is unable to complete a written statement and/or participate in a recorded interview at the time the complaint is lodged, the complaint will be accepted anyway.
 2. The oral or written statement should include a full name, address, phone number, date of birth, social security number (voluntary), sex, and race of the complainant. However, complainants may remain anonymous if they so choose.
- G.** If, for reasons bearing upon the impartiality of the investigation or the need for secrecy, any person believes that a complaint may not be handled properly if reported through the normal channels as outlined, they may report directly to the Office of Professional Standards Commander, or if necessary, the Chief of Police.
- H.** For complaints of non-investigative matters, the supervisor may contact the complainant and initiate mediation to resolve the complaint. Should the complainant be unsatisfied, then the supervisor may refer the complainant to an appropriate authority. The complaint and actions taken for non-investigative matters will be documented in BlueTeam.
- I.** For complaints of sexual harassment or workplace discrimination/harassment, immediate notification to the chief of police shall be made and appropriate referrals will be made to the ACC Human Resources Department for investigation.

2.31.06	UNIT-LEVEL INQUIRY PROCEDURES
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- A.** The employee's immediate supervisor through the Unit-Level Inquiry process will generally handle incidents of minor policy violations or non-investigative matters. However, upon receiving any complaint of misconduct, supervisors shall first notify the appropriate Division Commanders and the Office of Professional Standards to

determine whether to proceed with the Unit-Level Inquiry process or recommend initiation of an Administrative Investigation (See 2.31.07).

- B.** Employees initially receiving inquiries (Internal or External) will document the complainant's contact information and a brief summary of the concern(s). This information will be forwarded to the accused employee's immediate supervisor for follow up.
- C.** The accused employee's supervisor will take the appropriate action to determine the validity of the complainant's concern(s) and document those efforts as a Unit-Level Inquiry in BlueTeam.
- D.** The accused employee's immediate supervisor will review the officer's body-worn camera video, if available. When no policy violation is apparent, the supervisor will contact the complainant and offer the opportunity to view the body-worn camera video. The supervisor will attempt to mediate the concerns of the complainant during this process. If the complainant is satisfied, then no further inquiry is required beyond documenting the inquiry in BlueTeam.
- E.** If no body-worn camera video is available or during review of the video, the supervisor observes an apparent policy violation(s), then the supervisor will consult with commanders, who in conjunction with the Office of Professional Standards, will determine if a Unit-Level Inquiry is appropriate. When appropriate, the assigned supervisor will complete the inquiry detailing the nature and facts surrounding the allegation.
- F.** The accused employee's immediate supervisor will generate a Unit-Level Inquiry entry in BlueTeam and input all appropriate information including a detailed summary of the allegation on the "summary" page.
- G.** Additional documentation (e.g., Photographs, Recordings, Body-Worn Camera Video, etc.), if any, will be attached to the incident in BlueTeam.
- H.** The employee's immediate supervisor will determine what form of counseling/coaching is appropriate based on the findings of the inquiry when the complainant is in agreement and satisfied. If appropriate, the supervisor will administer counseling/coaching. Documentation of the counseling/coaching will be attached to the Unit-Level Inquiry in BlueTeam. If counseling/coaching is not appropriate (i.e., no violation occurred), this must also be documented and/or attached to the Unit-Level Inquiry in BlueTeam.
- I.** If, during the course of the Unit-Level Inquiry, a more serious offense is alleged or discovered or the complainant insists on a formal complaint, the investigator will take appropriate action as outlined below in 2.31.07.

- J.** Once the Unit-Level Inquiry is complete it will be forwarded via BlueTeam to the Office of Professional Standards through the chain of command, ensuring the investigator's supervisor is copied on the forward.
- K.** Cases resulting in Unit-Level Inquiries and no disciplinary action are considered part of an employee's Unit-Level File and will be purged from the employee's record on a rolling 24-month schedule.

2.31.07 ADMINISTRATIVE INVESTIGATION PROCEDURES

- A.** Commanders will consult with the Office of Professional Standards prior to initiating an Administrative Investigation. The types of complaints that should result in the initiation of an Administrative Investigation include but are not limited to:
 - 1. Criminal conduct;
 - 2. Integrity offenses;
 - 3. Excessive force;
 - 4. Bias-based policing;
 - 5. Code of conduct or procedural/policy violations where a Unit-Level Inquiry would not be appropriate;
 - 6. Repeated code of conduct or policy/procedural violations where counseling is deemed insufficient; or
 - 7. Offenses or matters that are of a sensitive, controversial, political, or complex nature where a Unit-Level Inquiry would not be appropriate, as determined by the Office of Professional Standards Commander.
- B.** The Office of Professional Standards will complete a Notice of Administrative Investigation memorandum and open an Administrative Investigation in IAPro. The Notice of Administrative Investigation memorandum will be attached to the IAPro case file and will be forwarded to the supervisor for service to the accused employee. Except in cases where doing so would jeopardize a need for confidentiality, at the onset of the investigation, the Office of Professional Standards will provide a copy of the Notice of Administrative Investigation memorandum along with notice of employee limitations, rights and responsibilities during administrative investigations to the employee(s) who is the subject of the investigation.
- C.** The Office of Professional Standards will assign an Administrative Investigation number and assign the case investigation to the appropriate investigator as determined by the Office of Professional Standards Commander.
- D.** The Office of Professional Standards Commander has the authority and discretion to assign any Administrative Investigation to Division Commanders.

- E.** Investigations to be conducted by units outside of the Office of Professional Standards shall be forwarded to the appropriate Bureau Chief or Division Commander for assignment. Such commander will promptly notify the Office of Professional Standards of the name of the investigator assigned to the case.

1. All investigations must be completed and approved by the Division Commander and Bureau Chief responsible for the assignment and forwarded directly to the Office of Professional Standards within 45-calendar days of the initiation of the Administrative Investigation.

[CLE 26.3.3] and [CC 1.4.4]

2. Requests for extensions of the 45-calendar day limit must be forwarded to the Office of Professional Standards Commander from the assigned Bureau Chief or Division Commander and will be approved only when sufficient justification is present.

[CLE 26.3.3] and [CC1.4.4]

- F.** All investigations conducted by supervisors or commanders will be forwarded via BlueTeam through the chain of command to the Office of Professional Standards for review, before being forwarded to the Chief of Police.

- G.** Generally, the Office of Professional Standards will investigate all matters involving: the use of deadly force; incidents likely to result in civil litigation; and alleged employee conduct of a real or potentially criminal nature.

1. All investigations conducted by the Office of Professional Standards must be completed within 45 days. The Chief of Police may grant an extension of time for investigations, when there is sufficient justification.
2. In instances of a criminal allegation, the Chief of Police will either request assistance from the Georgia Bureau of Investigation or the Department's Criminal Investigations Division, as appropriate. The Office of Professional Standards will conduct a subsequent Administrative Investigation into the policy aspect of the allegation.

- H.** Written statements and/or recorded interviews will be obtained from the employee and witnesses, whenever possible. If the complaint is found to be valid, these statements and other relevant evidence will form the basis for any disciplinary action.

- I.** The assigned investigator will update the employee being investigated at least every 30 days to keep them updated on the status of the completion of the investigation. Investigative status notifications and the manner in which the notifications are made will be documented in the file.

- J.** The Office of Professional Standards will notify the complainant concerning the status of the complaint(s) against the Department or its employee(s), upon approved extension of the original due date, every 14 days thereafter, and/or at the conclusion of an investigation. Only information relative to the disposition of the case will be released. Investigative progress status notifications may be made via email, by letter through U.S. Mail, or by telephone and will be documented in the file.

[CLE 26.3.4 b, c] and [CC 1.4.5 b, c]

- K.** When an investigation is completed, the investigator will include their conclusion of fact and recommend for each allegation a finding of:

[CLE 26.3.8] and [CC 1.4.9]

1. Unfounded: The allegation is false or not factual;
 2. Exonerated: The incident complained of occurred but was both lawful and appropriate according to policy;
 3. Not Sustained: There is insufficient evidence either to prove or disprove the allegation;
 4. Sustained: The allegation is supported by sufficient evidence; or
 5. Policy Review: The allegation is true and, although the action of the employee was within existing policy, the policy should be reviewed. (As a part of this finding, the employee's Internal Investigations log will show "Policy Review" as the disposition.).
- L.** Upon completion of the Office of Professional Standards review, all investigative reports will be forwarded to the Chief of Police who may accept the recommendations, remand the report for further investigation, or change the report recommendations.
- M.** The final results of all investigations (including when the allegation(s) is not sustained) will, upon approval of the Chief of Police, be conveyed by the Office of Professional Standards to the employee and his or her commander.
- N.** All final investigation memorandums should be written in the format specified in Appendix A and included as an attachment in BlueTeam or IAPro.
- O.** Access to investigative files will be limited to the Chief of Police, Office of Professional Standards personnel, others approved by the Chief of Police, or as otherwise required by law.

2.31.08 SUSTAINED COMPLAINTS

- A.** Once a Unit-Level Inquiry is completed, the immediate supervisor will recommend action(s) to be implemented for the purpose of productively and positively improving the employees conduct. Such actions may include, but is not limited to, anything as defined by Counseling/Coaching (which includes appropriate training; see 2.31.02, Definitions). The Counseling/Coaching action(s) and/or training may be implemented once reviewed and approved by the appropriate chain of command and the Office of Professional Standards. All actions will be documented in BlueTeam. Counseling/Coaching actions and/or training are non-disciplinary in nature and therefore non-grievable.

[CLE 26.1.4 a, b] and [CC 3.6.5 a, b]

- B.** Once Administrative Investigations are completed and if the Chief of Police intends to initiate discipline, the Office of Professional Standards will send a Notice of Intent to Discipline to the affected employee(s) through the chain of command via BlueTeam. The notice will include a set date/time for the employee to appeal the intended discipline with the Chief of Police.

- C.** Discipline will be carried out pursuant to ACC Code Section 1-9-8 and may be implemented when notice is received by the employee under the following circumstances:

[CLE 26.1.4 c] and [CLE 26.1.6] and [CC 3.6.5 c] and [CC 3.6.7]

1. Whenever the employee notifies his/her supervisor and the Office of Professional Standards that s/he intends to accept the discipline and waives his/her right to appeal to the Chief of Police on the set date/time;
2. The set date/time to appeal to the Chief of Police has passed and the employee fails to appear or provide proper notice of exigency to reschedule the appeal, which shall be approved at the discretion of the Chief of Police;
3. The employee appears at the set date/time to appeal to the Chief of Police and a Final Decision is rendered by the Chief of Police after consideration of mitigating facts and circumstances presented by the employee during the appeal meeting;
or
4. Whenever the case involves major discipline, which includes termination, demotion, or major suspension of more than five days. In such cases, the process will follow the procedures outlined in ACC Code Section 1-9-6 and/or 1-9-8.

- D.** For termination, employees will be provided a) a written statement citing the reason for termination; b) the effective date of the termination; and c) a statement of the accrued employee benefits after termination. This may be provided by ACC Human Resources.

[CLE 26.1.7 a-c] and [CC 3.6.8 a-c]

- E.** Employees who choose to file a formal grievance/appeal of a Final Decision to Discipline will follow the process outlined in the ACC Employee Appeal Procedures.

[CLE 26.1.6] and [CC 3.6.7]

- F.** When a commander receives a memorandum from the Office of Professional Standards instructing them to impose disciplinary action, up to and including a written reprimand, on an employee within their command, the commander will implement the disciplinary action by the due date on the memorandum, or contact the Office of Professional Standards to explain any delay. The commander will return this memorandum (and written reprimand when directed) after the disciplinary action has been implemented, noting the date of completion. If training is involved, the commander will send the original memorandum back noting when training has been scheduled, and send a follow-up memorandum when training has been completed.

[CLE 26.1.4 a] and [CLE 33.1.5] and [CC 3.6.5 a] and [CC 5.2.8 a-b]

- G.** When the discipline includes a major or minor suspension or any action more severe than a written reprimand, the discipline shall only be imposed by a Division Captain or higher in conjunction with the Office of Professional Standards Commander. The date(s) of suspension will be documented in the file.

- H.** Notification of all disciplinary actions will be forwarded to the ACC Human Resources Department.

- I.** Pursuant to ACC Code 1-9-8, copies of written reprimands will remain in an employee's ACC personnel file for two (2) years, and notices of suspension will remain in an employee's ACC personnel file for five (5) years. After the respective time periods, the records will be purged from the personnel file and no longer used for determining personnel actions. In the event additional disciplinary actions occur within the respective time periods, the retention period shall be extended for an additional two (2) or five (5) years respectively to begin on the effective date of the most recent disciplinary action. ACCPD investigative files maintained by the Office of Professional Standards do not constitute ACC personnel files and will be maintained in accordance with applicable law.

[CLE 26.1.8] and [CC 3.6.9]

- A.** All employees of this Department may be required to undergo medical and/or laboratory examination(s), participate in a line-up, or submit to a polygraph upon approval by the Chief of Police and in concurrence with the county HR Director and/or ACC Attorney's Office. Employees may also be required to submit to photographs, fingerprints, audio or video recordings, and/or submit financial disclosure statements when requested.

[CLE 26.3.6 a-f] and [CC 1.4.7 a-d]

- B.** When a complaint is received or the assigned investigator concludes that the allegation is of a criminal nature, the employee receiving the complaint or assigned investigator will immediately contact the Office of Professional Standards Commander who will, in turn, contact the Chief of Police and the commander of the employee. A decision will then be made to arrest the employee forthwith, obtain a warrant, or delay action pending further investigation. For non-business hours, the first notification will be made to the acting Duty Officer, who will notify the Chief of Police and/or the Office of Professional Standards Commander.

[CLE 26.2.3] and [CLE 26.3.2] and [CC 1.4.3] and [CC 1.4.2]

- C.** When it becomes known that a warrant has been issued in any jurisdiction for an employee, this information will be directed to the Office of Professional Standards Commander who will notify the Chief of Police and the commander of the employee. For non-business hours the first notification will be made to the acting Duty Officer, who will notify the Chief of Police and/or the Office of Professional Standards Commander.
- D.** When a warrant has been served on an employee prior to the investigators or the Department's knowledge, the employee learning of or serving the warrant will immediately notify the Office of Professional Standards Commander, who will proceed as in section C above. For non-business hours the first notification will be made to the acting Duty Officer, who will notify the Chief of Police and/or the Office of Professional Standards Commander.

2.31.10 ADMINISTRATIVE LEAVE IMPOSED BY THE CHIEF OF POLICE
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- A.** The Chief of Police, at his/her discretion, may temporarily reassign an employee or place an employee on Administrative Leave with pay pending the outcome of any Administrative Investigation. Employees placed on Administrative Leave will be notified in writing.

[CLE 26.3.7] and [CC1.4.8]

- B.** Employees placed on Administrative Leave with pay under this section remain subject to all Department rules, policies and procedures. Sworn personnel may have their police powers temporarily suspended for the duration of the administrative leave period at the discretion of the Chief of Police.
- C.** When their police powers are suspended, officers will surrender all Department issued police credentials, badge, issued/assigned weapon(s), extra magazines, radio, MDT, access cards, and take-home vehicle (if assigned) to the Office of Professional Standards Commander or his/her designee. While in this status, employees are not allowed to operate any Department vehicles or work any extra-duty or secondary employment. They must, however, appear in court wearing appropriate business attire on scheduled dates or when lawfully subpoenaed.
- D.** Employees on Administrative Leave with pay are to remain available to be called Monday through Friday between 0800 hours and 1600 hours and will provide a telephone number at which they can be reached.
- E.** When placing employees on Administrative Leave with pay, the Office of Professional Standards will notify Human Resources, IT staff, and other staff as needed.
- F.** An employee subject to temporary reassignment, Administrative Leave, or immediate suspension may be required to submit to a fitness-for-duty evaluation prior to being reinstated to full-duty status.

[CLE 26.3.7] and [CC 1.4.8]

2.31.11 TEMPORARY RELIEF OF DUTY

- A.** Pursuant to ACC Code Section 1-9-8 (a)(1)(h), a supervisor, commander, or higher authority may temporarily relieve from duty or suspend an employee without prior notice when his/her actions or physical/mental condition is such that a) s/he presents a serious danger to life or property of citizens or fellow employees; b) based on the judgment of the relieving authority, the employee is incapable of adequately performing his/her duties; or c) the employee's continued presence will jeopardize the ongoing operations of the Department. Temporary relief of duty may also occur when there is substantial evidence to believe that the employee has committed an act or omission of such a flagrant nature as to render his or her continued presence on this Department a source of embarrassment.

[CLE 26.3.7] and [CC 1.4.8]

- B.** Whenever possible upon relieving any employee under this section, the imposing supervisor/commander will immediately notify the Chief of Police, the commander of the employee, and the Office of Professional Standards Commander, regardless of the time of day or night.

[CLE 26.3.2] and [CC 1.4.3]

- C.** When relieved of duty under this section, the employee will continue to receive normal county pay. Officers will be relieved of all law enforcement functions and will deliver to the imposing division commander all Department issued police credentials, badge, issued/assigned weapon(s), extra magazines, radio, MDT, access cards, and take-home vehicle (if assigned).
- D.** An employee receiving a temporary relief of duty under this section will be required to report to the Office of Professional Standards, accompanied by his or her commanding officer, on the next business day at 10:00 a.m. unless otherwise directed by competent authority. The commanding officer imposing the temporary relief of duty will also report at this time.
- E.** An employee receiving a temporary relief of duty under this section may be required to submit to a fitness-for-duty evaluation prior to being reinstated to a full duty status.

By Authority of:

Cleveland
Spruill

Digitally signed by
Cleveland Spruill
Date: 2020.09.08
09:26:39 -04'00'

**Cleveland L. Spruill, Sr.
Chief of Police**

**APPENDIX A: *EXAMPLE OF ADMINISTRATIVE INVESTIGATIONS
MEMORANDUM***

DATE:

TO: Chief Cleveland L. Spruill, Sr.

FROM: RANK/NAME
 ASSIGNMENT

SUBJECT: COMPLAINT: 2019-09-0006

 COMPLAINANT(S): NAME SEX
 ADDRESS RACE

 EMPLOYEE: NAME/BADGE# SEX
 RANK RACE
 ASSIGNMENT

I. SUMMARY OF COMPLAINT (OR INCIDENT):

This section should spell out the violation(s) of policy that the officer is alleged to have committed. Quote the appropriate section of the directive and briefly state the allegation. EXAMPLE: "It is alleged that Officer John Doe was rude and discourteous to a citizen, in violation of Written Directive 2.2, Section 2.2.09, and Subsection 6. It should include any violations that you will sustain, even if they were not originally listed on the Complaint or alleged by the complainant. Be sure to accurately cite the most recent version of the policy violated.

For all cases involving an external complainant, or where race, gender, ethnicity, etc. are pertinent, the investigator will identify the race, ethnicity, and gender of the employee and the race, gender and ethnicity (as well as other information pertinent to the case) of the complainant in this section.

II. INVESTIGATION:

Provide a complete and thorough report of the investigation: who, what, when, where, why, how and include statements. If the investigation is very brief, such as a routine minor

cruiser accident or missing court, sub-headings are probably not needed. For more involved cases or those in which multiple witness statements or other relevant factors are presented, it is generally best to use sub-headings as outlined below:

Background

This section should give the reader a brief background of the circumstances that led to the incident being investigated. For example: On November 3 at 0900 hours, Officer #1 was called to the Brault Building to handle a disorderly person call. Officer #1 arrived and spoke with Mr. Complainant who now claims the officer was rude and discourteous by calling him names and verbally abusing him.

The background section is a SUMMARY of the complaint. This section should not be a verbatim duplication of what will appear under the rest of the sub-headings.

Statement of Mr. Complainant, Officer #1 or whoever (sub-headings can be bold or underlined, but should stand out from body text)

This section should be a concise synopsis of what the complainant, witness or officer said. Be sure to keep what each person said under their sub-heading unless you clearly need to reference back to someone else's statement in order to make this person's statement clear. If there is a particular point that is critical, make reference to it by citing the exact words used and, if in a lengthy recording, transcript or written statement, the time or page number where it can be found.

If a witness/officer was interviewed more than once, each separate interview should have its own heading to prevent confusion. This becomes very important if the witness/officer contradict themselves later. When witnesses/employees contradict themselves, consider if it is a reasonable clarification or an actual change in statement. Do not to jump to either conclusion, but look closely at the statements.

It may be appropriate to note a conflict in what others' statements say.

Statement of Mrs. Witness

Statement of Officer #1

Statement of Officer #2

Communications, Records, Photographs, Payroll Records

Whatever is being cited must be identified exactly, where it was obtained and why it has meaning in the case. Be clear about its relevance and say what it shows, proves, etc.

III. CONCLUSION:

Summarize the investigation. Describe the results of the investigation. The investigator should use this section to wrap up the investigation and draw his or her conclusion. This section should draw the evidence together without completely restating it again. It should say that the evidence proves or fails to prove the allegation(s).

Separate conclusions must be drawn about each separate allegation. Some allegations may be proven while others are not.

There may be cases in which an officer was originally charged with one policy violation but the investigation proved a violation of a separate, but related, policy. This must be documented and clarified.

Evidence that supports a conclusion of a policy violation cannot be ignored, and must be addressed with a reasonable conclusion.

IV. RECOMMENDATIONS:

This section should clearly say what specific charges, citing the Written Directive, are sustained, not sustained, etc. See Written Directive 2.31 for explanations of the recommendations for cases.

DO NOT RECOMMEND ANY TYPE OF DISCIPLINE.