

## DEKALB POLICE DEPARTMENT

Subject: **Internal Affairs - Internal Agency Investigations**

Policy #: **202.5**

Effective Since: New Policy, effective 1-1-19

Revision Effective: NA

FTO Training Task: # 1

Reference Material: Illinois Compiled Statutes Peace Officer's Bill of Rights

ILEAP Standards Covered: ADM.18.03-18.06

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**PURPOSE:** The purpose of the department's Internal Affairs function and Internal Agency Investigations process is to ensure the integrity of the DeKalb Police Department by establishing procedures for handling complaints against members of the department. These procedures will ensure the prompt and thorough investigation of incidents to either clear the innocent or establish guilt and recommend suitable disciplinary action. This order is based on the policy that discipline is the function of command with ultimate responsibility in the Office of the Chief. A truly effective police department with high morale and professional dignity can only be obtained through voluntary compliance with all rules and orders.

**POLICY:** It is the policy of the department that each employee will perform the duties and assume the obligations of their rank in the reporting or investigation of complaints or allegations of misconduct against members of the department. They will cooperate fully with any units or any other member of the department conducting such investigation.

**DEFINITIONS:** none

**PROCEDURE:** The Internal Affairs function and Internal Agency Investigations process will operate according to the procedure described in the policy.

### **I. Internal Affairs Functions**

- A. The department hereby establishes an Internal Affairs function that will be responsible to conduct internal agency investigations.
- B. The written directives relating to the administration of the Internal Affairs function [this policy] are to be disseminated to all personnel. [ILEAP ADM.18.03(c)]
- C. The position within the agency responsible for the Internal Affairs function with the authority to report directly to the Chief of Police is the Investigations Commander, or the Chief's assigned designee. [ILEAP ADM.18.03(b)]
- D. The categories of complaints that will require investigation by the Internal Affairs function include, but are not necessarily limited to, the following:
  1. Cases where an employee is under investigation or arrested for a criminal offense;
  2. Cases where an employee is under investigation or arrested for a significant traffic offense such as Aggravated Reckless Driving, Leaving the Scene of an Accident, or DUI;
  3. Cases where an employee has committed an infraction of the rules or policies of this department that could include substantial suspension or termination. This does not include cases of termination for poor performance such as failing to meet the standards for certification to solo patrol or the stated expectations of a formal Performance Improvement Plan.
  4. Other cases as deemed necessary by the Chief of Police.[ILEAP ADM.18.03(a)]

### **II. The activities of the Internal Affairs investigations will include the following:**

- A. Criminal investigations will include:
  1. Adhering to applicable state statutes including the Peace Officer's Bill of Rights.
  2. Coordinating with the agency having jurisdiction when applicable.
  3. Meeting privately with any victims or witnesses and conducting an interview.
  4. Obtaining formal victim and witness statements whenever possible.

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5. Coordination with the appropriate State's Attorney's office.
  6. Regular updates provided to the Chief of Police.
  7. The Chief of Police providing regular updates to the City Manager's office.
  8. A summary report of the conclusions and findings of the investigation once complete.
- [ILEAP ADM.18.04(a)]
- B. Administrative investigations into significant rule or policy violations will include:
1. Adhering to applicable state statutes including the Peace Officer's Bill of Rights.
  2. Privately coordinating with and interviewing the employee's immediate supervisor(s) when applicable.
  3. Meeting privately with any victims or witnesses and conducting an interview.
  4. Meeting privately with any affected employees and conducting an interview.
  5. Obtaining formal victim and witness statements whenever possible.
  6. Regular updates provided to the Chief of Police.
  7. The Chief of Police providing updates to the City Manager's office when deemed appropriate.
  8. A summary report of the conclusions and findings of the investigation once complete.
- [ILEAP ADM.18.04(b)]
- C. At the determination of the Chief of Police, an investigation may be partially or wholly investigated by an independent law enforcement agency.
- D. At the discretion of the Chief of Police, the Internal Affairs function may employ the use of a panel of supervisors to assist in determining the facts of the case and/or determining the appropriate decision regarding discipline.
- E. In all cases, the Internal Affairs function will maintain confidentiality and will maintain secure control over the Internal Affairs investigation and records.
- [ILEAP ADM.18.04(c)]
- F. When an employee is notified that they have become the subject of an Internal Affairs investigation, the department will provide the employee with:
1. A written statement of the allegations;
  2. The employee's rights relative to the investigation; and
  3. The employee's responsibilities relative to the investigation.
- [ILEAP ADM.18.05(a)-(c)]
- G. Notification of the status and disposition of complaints against the agency or its employees will be made to both the originating complainant and the employee(s) being investigated. [ILEAP ADM.18.06]

**Policy is effective on 1-1-19 by authority of the Chief of Police.**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.