

**TITLE: INTERNAL AFFAIRS**

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**PURPOSE**

In recognition of the need to maintain departmental integrity, the Internal Affairs Unit is created and charged with the responsibility of impartially and objectively investigating all allegations of malfeasance, non-feasance, and misfeasance brought against any member of this department.

The Internal Affairs Unit will conduct investigations into allegations of misconduct as outlined herein for the purpose of providing the Chief of Police with a means of impartially assessing employee actions to ensure compliance with departmental rules regulations, to enforce internal discipline, and to provide a vehicle through which citizen concerns may be equitably evaluated and judiciously addressed.

**DISCUSSION**

A system to review and investigate complaints and allegations is essential to establish and maintain the confidence of the citizens of the City of Santa Fe, in order to protect the integrity/rights of the Department employees and to protect the public from police misconduct

**POLICY**

It is the policy of the Santa Fe Police Department to maintain internal discipline, open lines of communication with the general public, and encourage citizens to freely express concerns or complaints of misconduct, malfeasance, or other inappropriate conduct by members of the Santa Fe Police Department. All members of the department are responsible for ensuring departmental integrity

and assisting in the expeditious response to citizen complaints in a fair and impartial manner.

**PROCEDURE**

**ORGANIZATION & STAFFING**

**26.1.01** The Internal Affairs Unit is staffed by two Lieutenants who report directly to the Chief of Police and are responsible for the management and operation of the unit.

**A.** Under certain conditions, the Chief of Police may appoint a Sergeant or other Commander, to conduct an Internal Affairs Investigation.

Circumstances include, but are not limited to:

- Absence by the IA Lieutenants;
- Multiple complaints at one time;
- Possible conflict of interest.

**RESPONSIBILITIES & DUTIES**

**26.1.02** The Internal Affairs officers are responsible for performing the following duties in accordance with department policies and all applicable laws:

- A.** Recording, Investigating, registering, controlling, and adjudicating all alleged or suspected misconduct complaints against the agency and its employees;
- B.** Supervising and controlling the investigation of alleged or suspected misconduct within the department;
- C.** Overseeing the investigation of complaints into violations of department policy assigned to personnel outside of the Internal Affairs Unit;
- D.** Maintaining the confidentiality and security of the Internal Affairs Investigations;
- E.** Maintaining all records pertaining to internal investigations in a secure area within the Internal Affairs Unit.
- F.** Take all proper precautions to ensure the security of these records. These records shall be stored separate and apart from personnel records

**G.** Administering, maintaining and investigating civil actions brought against the department;

**H.** Disseminating information to the public on procedures to be followed in registering complaints against agency employees.

**26.1.03** The Public Information Officer and the Crime Prevention Unit shall disseminate information to the public on procedures for registering complaints against the Department and its employees.

#### AUTHORITY

**26.1.04** The Internal Affairs Officers have the authority to investigate all complaints/allegations of misconduct brought to their attention from any source. Misconduct is an act or omission by an employee which if proven would normally result in some form of employee discipline or remediation. This includes:

**A.** Violation of Department Directives, City Personnel Rules and Regulations, or City policy;

**B.** Dereliction of duty;

**C.** Conduct which may tend to reflect unfavorably upon the employee and/or department;

**D.** Breach of Civil Rights;

**E.** Commission of a criminal act

**26.1.05** The most severe sanction, which may arise out of an Internal Affairs Investigation/administrative investigation, is termination.

**26.1.06** Investigations will be addressed as follows:

**A.** Employees under investigation will be advised in writing of the investigation and the nature of the allegation.

**B.** Employees under investigation are required to answer all questions truthfully, even if the answers may result in departmental sanctions. Failure to answer questions truthfully will result in disciplinary action, including termination. The officer's compelled statement shall be used only for administrative purposes.

**C.** An employee may not claim a 5th amendment privilege to avoid self-incrimination during an administrative investigation as the employee's

compelled statement may not be used, under any circumstances, for the criminal prosecution of that employee.

#### **D. Concurrent Investigations**

**1.** In situations requiring that an incident be investigated both administratively and criminally, the administrative portion of the incident will be investigated internally and the criminal allegations will be investigated by an outside law enforcement agency.

**2.** The Internal Affairs Officers will be the designated department liaison with the District Attorney's Office or outside law enforcement agency if a department employee is also under criminal investigation.

**3.** The Internal Affairs Officers will be responsible for the administrative investigation only.

**4.** Absolutely no investigative findings may be provided to the agency or person investigating alleged criminal activity by the Internal Affairs Officers, nor will any contact(s) be made by both a criminal investigator and administrative investigator at the same time.

#### INVESTIGATION

**26.1.07** Complaints will be classified as one of two categories:

- Internal Affairs Investigation
- Operational Complaint

#### **A. Internal Affairs Investigations**

**1.** Complaints or allegations of employee misconduct which fall within one of the following areas may be classified as Internal Affairs Investigations:

- a.** Unnecessary or excessive use of force
- b.** Discrimination/Biased-Based Profiling

- c. Violations of Department Directives, City Personnel Rules and Regulations, or City Policies
- d. Breach of civil rights
- e. Commission of a criminal act.

**B. Operational Complaints**

- 1. Complaints of poor employee performance, attitude, or demeanor, or enforcement of department policies or of laws believed by the complainant as unfairly or inequitably applied, may be classified as operational complaints.
- 2. Operational Complaints may be referred to the accused employee’s supervisor for investigation.
- C. All complaints will be logged on the Internal Affairs case assignment log, and reported to the Chief of Police, via memorandum, within one day of their receipt.

**26.1.08** All investigations shall afford officers their rights and stipulations as set forth with the City of Santa Fe and SFPOA Union Contract.

**NOTE:** A disagreement simply over the validity of a traffic/vehicle code citation is not grounds for the initiation of an administrative investigation. The complaining person should be advised that this is a matter for adjudication by the proper court system

**AUTHORITY TO DISCIPLINE**

**26.1.09** Sergeants, higher ranking officers, and Civilian Supervisors have the authority to administer corrective action in the form of verbal counseling and letter of counseling. In addition, Civilian Supervisors, Lieutenants, and higher ranking officers have the authority to recommend written reprimands, suspensions, demotions, and terminations.

**26.1.10** Disciplinary action recommendations shall be submitted on a Disciplinary/Corrective Action form along with a background memo to the Chief of Police or his/her designee. The Chief or designee is authorized to impose additional disciplinary action or to reduce the recommended disciplinary action as prescribed by the Santa Fe City Personnel Rules and Regulations.

**26.1.11** Emergency temporary relief of duty against a subordinate may be imposed only in situations where the subordinate member is physically or mentally unable to perform his/her duties and/or the employee is alleged to have committed severe infractions of the department's policies and procedures.

- A. If an emergency temporary relief of duty is imposed, the employee and the supervisor will report to the Chief’s office no later than 9:00 AM on the next working day.
- B. The Chief of Police must approve an emergency temporary relief of duty that will extend beyond one (1) workday.

**DUTY STATUS DURING INVESTIGATION**

**26.1.12** The Chief of Police, in the best interest of the department, may elect to take any of the following actions concerning an employee's duty status during an Internal Affairs investigation:

- A. Continue the employee on duty as assigned.
- B. Continue the employee on duty in another assignment.
- C. Impose administrative leave with pay upon an employee pending the results of the investigation and/or subsequent department proceedings with the approval of the City Manager.
- D. Impose administrative leave without pay based on the severity of the alleged violation and with the approval of the City Manager and the City Attorney and as prescribed in the City Personnel Rules and Regulations.

<b>EMPLOYEE RIGHTS</b>
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**26.1.13** All Internal Affairs investigations shall be conducted fairly and impartially and in compliance with the New Mexico State Peace Officer Employer-Employee Relations Act. The Act affords certain rights to employees who are under investigation by his/her employer for alleged actions, which could result in administrative action.

**A.** The requirements for the investigation of a employee are as follows:

1. Any interrogation of an employee shall be conducted when the employee is on duty or during his/her normal working hours, unless the urgency of the investigation requires otherwise.
2. Any interrogation of an employee shall be conducted at the employer's facility, unless the urgency of the investigation requires otherwise.

**B.** Prior to commencement of any interrogation session:

1. An employee shall be notified in writing of the nature of the allegations and employees rights and responsibilities relative to the investigation;
2. An employee shall be informed of the name and rank of the person in charge of the interrogation and all other persons who will be present during the interrogation;
3. The names of all known complaints shall be disclosed to the employee unless the Chief of Police determines that the identification of the complainant shall not be disclosed because it is necessary for the protection of an informant or because disclosure would jeopardize or compromise the integrity or security of the investigation; and
4. A reasonable attempt shall be made to notify the employee's commanding officer or supervisor of the pending interrogation.

**C.** During any interrogation session, the following requirements shall be adhered to:

1. Each interrogation session shall not exceed two (2) hours unless the parties mutually consent to continuation of the session;
  2. There shall not be more than two (2) interrogation sessions within a twenty-four hour period, unless the parties mutually consent to additional sessions, provided that there shall be at least a one-hour rest period between the sessions;
  3. The combined duration of an employee's work shift and any interrogation session shall not exceed fourteen hours within a twenty-four hour period, unless the urgency of the investigation requires otherwise;
  4. There shall not be more than two (2) interrogators at any given time;
  5. An employee shall be allowed to attend to physical necessities as they occur in the course of an interrogation session; and
  6. An employee shall not be subjected to offensive language or illegal coercion by his interrogator in the course of an interrogation session.
- D.** Any interrogation of an employee shall be recorded, either mechanically or by a stenographer, and the complete interrogation shall be published as a transcript. Any recesses called during the interrogation shall be noted in the transcript.
- E.** An accurate copy of the transcript or tape shall be provided to the employee, upon his written request, no later than fifteen working days after the investigation has been completed.
- F.** After reviewing all the information collected in the course of an investigation of an employee, the Chief of Police may order the employee to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:
1. All other reasonable investigative means have been exhausted; and
  2. The employee has been advised of the administrator's reasons for ordering the polygraph examination.

G. When any employee is under investigation for an administrative matter, the employee shall be permitted to produce any relevant documents, witnesses, or other evidence to support his case and he may cross-examine any adverse witnesses during any grievance process or appeal involving disciplinary action.

APPROVED: \_\_\_\_\_

Aric M. Wheeler,  
Chief of Police

26.1.14 If an officer is being questioned as a “witness” during an investigation and it is subsequently discovered by the internal affairs investigator that the officer may have violated police policy, before the violation is sustained by the chief, a letter will be written to the officer giving him/her the opportunity to provide the department with additional information and an explanation before a violation is sustained by the chief.

Date: 03-17-2010

26.1.15 Upon receiving a complaint, the investigator shall notify the complainant that the complaint has been received and shall document the notification.

26.1.16 Upon conclusion of the investigation, both the complainant and the employee shall receive, in writing, the conclusion of fact and the disposition of the allegation.

A. The finding for each allegation shall be classified as one of the following:

1. **Sustained** - The allegation is supported by sufficient proof.
2. **Not Sustained** - The evidence is insufficient to prove or disprove an allegation.
3. **Unfounded** - There is no basis for the complaint. Not founded in fact or truth.
4. **Exonerated** - Conduct was proper, cleared of all allegations

SANTA FE POLICE DEPARTMENT  
PROFESSIONAL STANDARDS DIVISION  
INTERNAL AFFAIRS UNIT

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COMPLAINT FORM

Date: \_\_\_\_\_

Phone: (Cell) \_\_\_\_\_

Name (print): \_\_\_\_\_

(Home) \_\_\_\_\_

(Work) \_\_\_\_\_

Address: \_\_\_\_\_

Age: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I am filing a complaint against

\_\_\_\_\_

Officer(s)

The incident took place at

\_\_\_\_\_

Location

Date of incident \_\_\_\_\_

Time of the incident \_\_\_\_\_

Name and contact information of any witnesses

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reason(s) for the complaint

\_\_\_\_\_

Specific action or conduct

Signature of Complainant: \_\_\_\_\_

Person accepting form: \_\_\_\_\_

If mailing, send to: Santa Fe Police  
Internal Affairs Unit  
2515 Camino Entrada  
Santa Fe, NM 87507

On the backside of this page or on a separate sheet(s), write a **detailed** explanation of the incident (include your own actions and statements as well as those of each officer):