

 <p style="text-align: center;"><i>University of Pittsburgh Police Department</i></p> <p style="text-align: center;">Rules & Regulations Manual</p>	Reference Number: (Chapter / Section)	1 – 13 PLEAC 2.3.1a; 2.3.1b; 2.3.1c; 2.3.1d
	Issue Date:	10-29-04 Reviewed: 12/2018
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	Rescinds:	All Previous
	Amends:	N/A
Title:	Internal Affairs	 By Order of James R. Loftus, Chief of Police

1.0 Policy

Professional Standards are important for the maintenance of professional conduct in the University of Pittsburgh Police Department. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees.

Consistent with instilling public confidence in the University of Pittsburgh Police Department, Command Staff will respond appropriately to all allegations of misconduct by employees, and to complaints about the agency's response to community needs. This policy does not supersede the University's ability to assign other University offices to investigate misconduct.

2.0 Objectives

The internal affairs function is established to insure the integrity of the agency is maintained through an internal system whereby objectivity, fairness and justice are insured by an impartial investigation and review.

In order to achieve the purposes stated, the University of Pittsburgh Police department internal affairs function will investigate thoroughly any and all allegations of misconduct by department personnel, or complaints directed at the department itself or its policies. Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizen complaints.

3.0 Responsibility

The responsibility for the overall supervision and control of the Department's internal affairs function is with the Deputy Chief, who shall report directly to the Chief of Police.

The internal affairs function is responsible for:

- A. Registering, recording, and controlling the investigation of complaints against department members, or the department itself;
- B. Supervising and controlling the investigation of alleged misconduct within the agency; and
- C. Maintaining the confidentiality of the internal affairs investigations and records.
(PLEAC 2.3.1a; 2.3.1b)

4.0 **Complaint Protocol**

- A. Any person may register a complaint against the department or an individual member.
- B. The complainant will be dealt with in a courteous manner.
- C. All complaints will be assigned a specific internal affairs case number...
- D. All complaints via telephone will be directed to a supervisor.
- E. If the complaint is received in person, the complainant will be given a copy of the civilian complaint form.
- F. If the complaint is received by mail or phone, a copy of the complaint reception receipt will mailed to the complainant.

5.0 **Compliance**

- A. Members who are subject of an internal affairs investigation will not discuss the matter with any individuals except the assigned investigator and supervisor who has a direct involvement in the process.
- B. Any member who is aware of an internal affairs issue and possesses relevant information to that inquiry is required to bring it to the attention of the assigned investigator.
- C. Matters which are the subject of an internal affairs investigation shall only be discussed with subject members, witnesses, and supervisors with an authorized involvement in such matters.
- D. All information, documents, recordings, and other material relevant to an internal affairs investigation shall be considered confidential and privileged information. The assigned investigator shall take all reasonable and necessary precautions to maintain the confidentiality of such items.

6.0 **Types of Investigation**

- A. Formal
 - 1. A formal investigation is conducted for allegations of serious misconduct or corruption by an employee.
 - 2. A formal investigation will be initiated when :
 - a. The OIC receiving the complaint deems it is of sufficient seriousness to

warrant a formal investigation;

- b. The allegations, if true, constitute a crime;
 - c. The Chief of Police or Commander directs that formal procedures be followed; or
 - d. The OIC has knowledge that a serious violation of policy or law has occurred.
3. If the conduct alleged is of a criminal nature or may become criminal in nature, the Chief of Police or Commander may contact an outside agency to conduct an independent investigation separate from the internal investigation.
(PLEAC 2.3.1a; 2.3.1b)
4. Allegations requiring a formal investigation shall be investigated by the Commander, or designated Investigator. Allegations that may require a formal investigation involve alleged misconduct including, but not limited to:
(PLEAC 2.3.1a; 2.3.1b)
- a. Violations of law
 - b. Brutality
 - c. Civil Rights violation/ Bias Based Profiling
 - d. Bribery
 - e. Theft
 - f. Untruthfulness
 - g. Corruption
 - h. Excessive Use of Force or Misuse of Force
 - i. Major Insubordination
 - j. Any case as assigned by the Chief or Commander

B. Inquiry

Allegations requiring an Inquiry investigation shall be investigated by the OIC or assigned investigator. Inquiry Investigations are those investigations for misconduct alleged but not limited to the following areas:

1. Rudeness
2. Tardiness
3. Minor Insubordination

4. Failure to adequately investigate crimes or complete duties
5. One that may be resolved by the OIC to the satisfaction of the complainant
6. Any case as assigned by the Chief or Commander.

7.0 Procedures for Formal Investigations

- A. Should the OIC accepting the complaint determine that it must be investigated in a formal manner, the following procedures shall apply:
 1. If applicable, the OIC receiving the complaint shall complete the Citizen Complaint Investigation Face Sheet.
 2. The OIC shall ensure that a CAD entry and Case number is assigned
 3. The OIC shall contact the Commander and Chief that an incident has occurred, which warrants a formal investigation.
 4. The OIC shall prepare a report of the incident which details a chronological summary of all of the information to date.
 5. The OIC shall inform the complainant that s/he will be contacted by an officer assigned to investigate the complaint.
 6. Upon completion of the above, the OIC will place all documents pertaining to the case in a sealed envelope and forward it to the Commander.
- B. In the event of serious violations, or suspected unfitness for duty, a supervisor shall contact the Chief and Commander to determine if the employee will be temporarily relieved from duty.
- C. The Commander shall assign an officer to conduct the investigation after consultation with the Chief.
- D. In cases alleging criminal conduct on the part of an employee and after a decision by the Chief to do so, the Commander will advise the District Attorney's Office and the Office of General Counsel of the nature of the complaint.
- E. The Chief may choose to temporarily suspend any internal affairs investigation until a relevant criminal investigation is completed. An internal affairs investigation, which is classified as an administrative investigation, may parallel any relevant criminal investigation when authorized by the Chief. However, no action may be taken by members of conducting such an inquiry that in any way interferes with or compromises a criminal investigation.
- F. The investigating officer shall:
 1. Obtain a detailed and comprehensive statement signed by the complainant.
 2. Obtain statements from witnesses, if any.
 3. Interview the accused employee consistent with section F below.

4. Orally brief the Chief and Commander daily, until the completion of the investigation.
5. Bring the investigation to an expeditious conclusion. No investigation will exceed forty- five (45) days, except in extenuating circumstances.

(PLEAC 2.3.1d)

- G. The Chief or Commander shall notify the involved employee of a citizen complaint or other internal investigation, consistent with the Collective Bargaining Agreement. When it is determined that notification should be made, it must be determined whether the employee will receive administrative or constitutional rights.
- H. When an employee is advised that s/he is the subject of an administrative internal investigation, the employee is required to answer all questions pertaining to the investigation fully and truthfully. Disciplinary action, including dismissal may be imposed for a refusal to answer.
- I. In cases where the Department desires to have the option of using any statements made by the employee in a subsequent criminal proceeding, then:
 1. The employee must be advised of his/her Miranda Rights
 2. The employee must be advised that no adverse disciplinary or administrative action will be taken based upon refusal to answer any questions
 3. In any case where the option to use incriminating statements must be retained, the investigating officer shall inform the employee in writing of their Constitutional Rights and document this in the internal affairs case log.
 4. The employee shall not become involved in the investigation in any manner unless expressly requested to do so by the Chief or Commander.

(PLEAC 2.3.1d)

8.0 Procedures for Informal (Inquiry) Investigations

- A. The following procedures apply to a complaint within the category of an Inquiry Investigation.
 1. The OIC receiving the complaint shall complete the Complaint Investigation Face Sheet.
 2. The OIC shall insure that a CAD entry and Case number is assigned.
 3. If the complaint is via phone, the OIC shall discuss the incident with the complainant, and document all information for further investigation.
 4. If the complainant's complaint is one that may be satisfied, ie., complainant did not understand policy in the employee's actions, and is satisfied at the explanation of police conduct, the OIC shall document that information, and prepare a written report of the incident.
 5. The OIC shall prepare a report of the incident which details a chronological summary

of all of the information to date.

6. Upon completion of the above, the OIC will place all documents pertaining to the case in a sealed envelope and forward it to the Commander.
 7. The Commander shall assign an officer to conduct the investigation after consultation with the Chief.
- B. Informal complaints, once assigned, shall be processed using the same guidelines as described in procedures for Formal Investigations.

9.0 Disposition of Complaints

Upon completion of an internal investigation, the investigating officer shall forward that investigation to the Commander for review, detailing the following according to format. If the commander is the investigating officer, the investigation shall be forwarded to the Chief of Police.

(PLEAC 2.3.1c)

- A. Allegations- state the specific allegations and cite the specific section of the department's policies, procedures, rules and regulations that deals with the allegations. Enumerate the allegations where there are more than one.
- B. Summary - Prepare a summary of the incident which briefly details the allegations.
- C. Investigative Report- Prepare an investigative report which lists the facts determined by this investigation and which leads to the conclusion reached. Attachments which may be included with this report are witness interviews, statements by employee involved, case reports.
- D. Conclusion- The conclusion shall be noted on the Complaint Face sheet, and shall indicate the appropriate adjudication and disposition based upon the finding of facts. The disposition shall be classified as one of the following:
 1. Sustained- The allegation is substantiated.
 2. Unfounded- The allegation is false or not factual.
 3. Exonerated- The incident occurred, but the officer acted properly and lawfully.
 4. Not Sustained- The allegation is not substantiated. There is not sufficient evidence to prove or disprove the allegation.
 5. Misconduct Not Based on the Complaint, Substantiated- Substantiated misconduct not alleged in the complaint.

(PLEAC 2.3.1d)