

**SECTION: 200.310****SUBJECT: INTERNAL INVESTIGATIVE REVIEW****PURPOSE:**

The purpose of this policy is to inform all staff of procedures for accepting, processing, and investigating complaints concerning allegations of misconduct. This policy defines provisions applicable to investigation and disposition of allegations of misconduct.

POLICY:

Establishment of procedures for investigating complaints and allegations of misconduct is crucial to demonstrate and protect the integrity of the Sheriff's Office. Therefore, it is the policy of the Sheriff's Office to accept and investigate all complaints of alleged misconduct, determine whether the allegations are valid, and take appropriate corrective action.

DEFINITIONS:

Complaint – An allegation of a specific act or omission which, if proven true, would constitute misconduct; or an expression of dissatisfaction with a policy, procedure, practice, philosophy, service level, or legal standard of the Sheriff's Office.

Internal Investigations Authority – The designated employee(s) ultimately responsible for conducting investigations into allegations of misconduct.

Misconduct – An act or omission by an employee, vendor, contract employee or others with facility access which could result in some form of discipline or denial of facility access.

Staff - For the purpose of this policy staff includes Sheriff's Office employees, vendors, contracted employees, and those with facility access.

PROCEDURE:

- I. Receiving Complaints
 - A. Persons desiring to register a complaint against the Sheriff's Office, or its staff shall be provided with the opportunity and assistance to record such complaint.



- B. All complaints pertaining to Sheriff's Office regulations, policies, and procedures or that allege misconduct, shall be documented and investigated by the Sheriff's Office.
 - 1. Complaints may be given in person, over the telephone, or in writing.
 - 2. Anonymous complaints or complaints from individuals who wish their names to be held in confidence, will be accepted for investigation.
 - C. Sheriff's Office supervisors will accept complaints and will provide assistance to the complainant as needed.
 - 1. The supervisor shall document the complaint on a Complaint Form and promptly forward the complaint to the Executive Services Captain's office, copy the employee's supervisor, and forward the complaint through the Chain of Command.
 - 2. The supervisor taking the complaint may attempt to resolve the complaint by providing information, where applicable. Attempts to resolve complaints will be documented. Documentation or resolution of complaints shall be forwarded to the Executive Services Captain.
 - D. A complaint may originate within the Sheriff's Office or from any other person or agency.
 - E. A formal grievance procedure is available to all prisoners of the Dane County Jail, through the jail grievance system described in Security Services policy 607.07. Prisoners are provided with the opportunity to address complaints about rules, policies, or conditions in the Dane County Jail and/or their treatment in the jail.
- II. Investigation of Complaints
- A. The employee's supervisor may investigate allegations of minor rule violations, such as rudeness, tardiness or traffic violations.
 - B. When a complaint appears to be founded solely upon a misunderstanding of Sheriff's Office Regulations, Policies or Procedures, either the supervisor receiving the complaint or the employee's supervisor, may attempt to mediate the dispute by an explanation of Regulations, Policies or Procedures. Such complaints that are resolved, shall be documented by the employee's supervisor or the supervisor receiving the complaint and forwarded up the chain of command with a copy sent to the Executive Services Captain.



- C. The Executive Services Captain may direct the Internal Investigative Authority to review any investigation conducted by a supervisor.
- D. Should a preliminary investigation or an initial report reveal evidence of possible criminal conduct, all available information shall be provided to the Captain of the division the employee is assigned for criminal investigation.
- E. Allegations of misconduct that could result in discharge, suspension, denial of facility access or criminal charges being sought (including, but not limited to, allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal or sexual misconduct), will be immediately brought to the attention of the Executive Services Captain and will be assigned to the Internal Investigative Authority. The Investigative Services Bureau will investigate any allegation where criminal charges may result. The Divisional Chain of Command will also be informed of the allegation.
- F. Upon receipt of a complaint, the investigating supervisor or the Internal Investigative Authority shall keep the complainant informed concerning the status of the complaint, including:
 - 1. verification of receipt that the complaint has been received for processing;
 - 2. periodic status reports; and
 - 3. notification of the results of the investigation upon completion.
- G. Whenever reasonably possible, the investigation of complaints should be completed within 45 days unless the Executive Services Captain grants an extension.

III. Employee Assistance Program

- A. The Employee Assistance Program (EAP) can provide needed support to staff members who have reported misconduct, are witnesses or are the subject of an investigation. Any employee who is notified that he/she is the subject of an investigation should be reminded of the EAP and provided with contact information.

IV. Supervisor Investigation



- A. Upon becoming aware of or receiving notification of potential misconduct by staff under his/her supervision, the supervisor shall begin a preliminary investigation of such allegations.
 - B. The supervisor's investigation shall be limited to gathering pertinent evidence to either substantiate or resolve the allegation.
 - C. Upon completion of the preliminary investigation, the supervisor shall forward through the normal chain of command to the Executive Services Captain:
 - 1. a report of the alleged violation;
 - 2. all findings, documents and evidence relating to the investigation; and
 - 3. a recommendation as to a conclusion of fact or to conduct further investigation.
- V. Responsibilities of the Internal Investigative Authority
- A. In general, the Executive Services Captain shall have primary responsibility for the coordination, review and investigation of complaints against employees, vendors, contract employees or others with facilities access.
 - B. Upon receipt and review of a case, the Executive Services Captain may determine that further investigation is required and order such investigation. A supervisor's investigation may be ordered stopped at any time and full investigative authority assumed by the Internal Investigative Authority.
 - C. A Lieutenant from each of the divisions shall make up the core of the Internal Investigative Authority and are at the direction of the Executive Services Captain. Other supervisors may be called upon to assist the core group. While conducting investigations into allegations of misconduct, the Internal Investigative Authority shall report to the Executive Services Captain and is delegated the authority of the Executive Services Captain for purposes of directing the investigation.
 - D. Upon completion of an investigation, the Internal Investigative Authority shall forward all findings, documents and evidence relating to the investigation and recommendations for further investigation or other disposition of the case to the Executive Services Captain.
- VI. Executive Services Division Action



- A. Upon completion of a supervisor's investigation, or upon completion of an internal investigation, findings on each allegation shall be submitted through the divisional chain of command and a copy sent to the Executive Services Captain. Finding determinations are as follows:
1. Substantiated – evidence sufficient to prove the allegation(s).
 2. Not substantiated – insufficient evidence to either prove or disprove the allegation(s).
 3. Exonerated – incident occurred but was lawful and proper.
 4. Unfounded – allegation(s) is(are) false or not factual.
 5. Resolved with Complainant – the complaint has been resolved with the complainant, no further action is required.
 6. Policy and Procedure Complaint – the nature of the investigation dealt solely with a complainant's objection or criticism against a Sheriff's Office policy or procedure and not against an individual employee, vendor, contracted employee or others with facilities access.
 7. Referred to adjudication.
 8. Other (with explanation).
- B. The Divisional Captain shall review the report and any supporting documents, and after consultation with the Executive Services Captain, shall approve a final recommendation of the findings and disposition in the case.
- C. For minor violations the Division Captain shall have supervisors take corrective action. In cases involving vendors, contracted employees or others with facilities access, further access may be denied.
- D. For major violations the Executive Services Division will work with divisional supervisors in the formal disciplinary process.

VII. Employee's Rights and Responsibilities

- A. If the allegations for which an employee is under investigation also include possible administrative violations, the employee shall be given "Garrity" warnings prior to an Administrative Hearing. The warnings shall include:
1. The employee can be required to answer all questions, which specifically and directly relate to the performance of his/her official duties.
 2. Refusal to comply with an order to answer such questions may subject the employee to disciplinary action up to, and including dismissal.



3. Any self-incriminatory admission made during the interview/administrative hearing may only be used in subsequent administrative proceedings, and shall not be used against the employee in subsequent criminal proceedings.
- B. Prior to any administrative hearing or special examination, the employee under internal investigation will receive written notification of the complaint. This notification will include a summary, which adequately lists the relevant facts, and the employees' rights and responsibilities during the investigation.
- C. Employees under internal investigation shall not be subjected to offensive language or threatened with transfer, dismissal or disciplinary action during an interview/administrative hearing. No promise or reward will be made by the internal investigators as an inducement to answer any question.
- D. Accused employees or their supervisors may contact the Executive Services Division to ascertain the status of the investigation of a complaint filed against them.
- E. The accused employee will be given an opportunity to explain his/her actions prior to the imposition of any disciplinary action.

VIII. Special Examinations

- A. An employee who is the subject of an internal investigation may, when justified, be required to undergo specific examinations, such as:
 1. medical, psychiatric or laboratory examinations.
 2. photographs of the employee.
 3. submission of financial disclosure statements and/or financial records.
- B. The supervisor may require an employee to submit to a breath, blood or urine test when alcohol or drug usage is reasonably suspected as a factor related to duty performance or operating a county owned vehicle.
- C. An employee under investigation may request a breath, blood, urine, psychological, polygraph or medical examination at his/her costs, if it is believed that such an examination would be beneficial to his/her defense.
- D. Property belonging to Dane County is subject to inspection at any time. Property includes, but is not limited to, vehicles, desks, files, computers and



lockers. Staff has no reasonable expectation of privacy in county owned property.

IX. Administrative Action

- A. Employees shall cooperate fully in any internal administrative investigation and shall provide complete and accurate information in regard to any issue under investigation. Failure to do so may result in disciplinary action in addition to any other disciplinary action that may result from the investigation.
- B. The Sheriff may relieve an employee from duty pending the outcome of an investigation involving allegations of serious misconduct or criminal conduct, if, in his/her sole discretion, such an action is in the best interest of the Sheriff's Office and the public. Relief from duty may involve transfer from a duty assignment to administrative duties or placement on administrative leave. Other staff may be temporarily denied access to Sheriff's Office facilities during an investigation. Placement on administrative leave or temporary denial of access, in and of itself, is not an indicator of wrongdoing.
- C. Employees may also be relieved from duty if the Sheriff's Office believes an employee's physical or psychological fitness is impaired.

X. Appeal Process

Sheriff's Office employees may appeal disciplinary actions in accordance with union contracts and civil service work rules.

XI. Records

The Executive Services Division will maintain a central file of all complaints in a secured area (active internal investigations and completed internal investigations).

XII. Annual Statistical Summaries

The Executive Services Division shall be responsible for compiling annual statistical summaries, based upon complaints and internal investigations.