

5.3 Investigation of Employee Misconduct

The purpose of this policy is to establish guidelines for receiving and investigating complaints and allegations of misconduct by employees.

5.3.1 Identifying Complaints and Violations

All members of the Office are authorized to receive complaints in writing, by telephone, and through personal communication. Members of the Office who have witnessed a violation of rules and regulations by an act of commission or omission have an obligation to report this violation. Telephone calls should be forwarded to the supervisor/highest ranking deputy in a particular unit who is most readily available, and that person should document the complaint. Complaints, whether from a citizen, an employee, or made anonymously, will be documented using AACOSO Form #49A, *Complaint Against Personnel* (see attached).

Minor "on-view" violations witnessed by supervisory staff may be dealt with immediately. While it is preferable to have an employee's immediate supervisor initiate corrective action, it may be dispensed by any supervisory staff member. In such a case, the employee's unit supervisor is to be notified promptly.

It is of importance to note that prior to investigating any alleged act of brutality, the allegation must be duly sworn to by the complainant prior to any investigation. The complaint should be filed within LEOBoR guidelines.

5.3.2 Departmental Investigations

The Chief Deputy will coordinate the *internal affairs function* for the Office and maintain a secure and confidential record of all complaints. Knowledge of a public complaint or other employee infraction is to be documented and forwarded to supervisory or administrative staff. The information will then be forwarded via chain-of-command to the Chief Deputy. The degree of seriousness of the allegation or complaint will determine the course of the investigation.

Serious allegations will be investigated by a designee of the Chief Deputy, and include, but are not limited to, those involving corruption, misuse of force, breach of civil rights, untruthful statements, criminal misconduct, misfeasance, malfeasance, nonfeasance, brutality, and discriminatory or harassing personnel practices. With the concurrence of the Chief Deputy, less serious instances may

be handled by the employee-in-question's immediate supervisor in the form of summary punishment (see General Order 5.4).

The Chief Deputy or his/her designee will make efforts to keep the complainant informed of the status of any investigation stemming from the complaint (e.g., that the complaint has been assigned to an investigator, periodic status reports, and the investigation conclusion). Absent exigent circumstances (e.g., pending criminal charges or witness location), investigations should be completed no more than 60 days from initial complaint. In addition to those attached to this General Order, a variety of internal investigation forms are available for use by the investigator.

At the conclusion of an investigation, the Chief Deputy will receive and/or prepare an investigatory summary and statement of findings. The summation will include a listing of the allegations, a brief statement of facts, and a disposition classification. The disposition of any internal investigation may be classified as:

- Sustained - incident happened and was inappropriate
- Non-sustained - incident may have happened, but had insufficient proof
- Unfounded - incident did not happen at all
- Exonerated - incident happened but was proper
- Policy Failure - incident happened but had no guiding Office regulations

The investigation summary will be used as advice upon which the Sheriff will make a determination as to any necessary further action (e.g., authorize further investigatory activity, convene a hearing board, offer summary punishment, recommend remedial training, or conduct a policy review).

5.3.3 Employee Rights and Obligations

Investigatory procedures and activities will be applied to all employees, sworn and non-sworn, in accordance with the regulations and practices of the Anne Arundel County Office of Personnel and, where applicable, negotiated labor agreement and/or the *Law Enforcement Officers' Bill of Rights*, Annotated Code of Maryland/Public Safety/Title 3. Law Enforcement. Subtitle 1. Law Enforcement Officers' Bill of Rights.

When an employee is notified that he/she is the subject of an investigation, the employee will receive a written statement of the allegations, and his/her rights and responsibilities relative to the investigation. The subject of an internal investigation may be placed on administrative leave or limited-duty (see General Order 4.5 *Conditions of Work*, and General Order 4.6 *Duty Classifications*).

Employees may be called upon to participate in various investigatory activities. These activities may include, but are not limited to, a medical or laboratory examination, being photographed, participation in a line-up, or submitting a financial disclosure statement. Participation will only be required when the actions are deemed material to a particular investigation. Employees are also required to answer questions or render material reports and relevant statements in a personnel investigation when so directed by competent authority.

5.3.4 Records Retention

All internal affairs records will be securely and confidentially maintained in accordance with the Sheriff's Office Records Retention Schedule (see General Order 7.6). The Chief Deputy will consider employee record expungements of non-sustained and unfounded records upon written request after three (3) years have passed from the completion of the investigation. The Chief Deputy will consider employee record expungements upon request. Certain anonymous types of information may be retained from expunged files indefinitely for routine statistical purposes (e.g., sex, race, and age of parties; disposition classifications; and, type of allegations)

IAI CASE # _____

Anne Arundel County Sheriff's Office

COMPLAINT AGAINST PERSONNEL

Employee Involved Name	Rank	Assignment
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Complainant Name	Residence Address	Res. Phone
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Complainant Employed by	Business Address	Bus. Phone
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Witness or other Complainant Name	Address	Phone
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Name	Address	Phone
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Date & Time of Incident	Location
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Date & Time Reported	by: Phone	Letter	In Person
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Received by - Title	Date Received	Time	Assignment
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Brief Description of Allegation:

Investigated by	Rank
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- Distribution:
1. Original remains with original case file.
 2. Copy to Chief Deputy.

IAI CASE # _____

Anne Arundel County Sheriff's Office

COMPLAINT OF BRUTALITY

I, _____, age _____,

address _____

do hereby swear or affirm under penalty of perjury that the information stated herein is true and correct to the best of my knowledge and belief.

(Date) (Signature)

The above-named applicant has made the following complaint against

(Rank) (Name) ID #

of the Anne Arundel Sheriff's Office. The complaint is based on the following factual information or observations.

Personally appeared before me in the County of _____, the said named _____ who did make oath to same that the foregoing information is true and correct.

- Distribution: 1. All copies signed by complainant; original placed with original case file.
2. Copy given to accused.