PURPOSE: Professional Standards is responsible for inspections and internal investigations.

INSPECTIONS:

STAFF INSPECTIONS – Inspections of procedures, facilities, property, equipment, personnel, and administrative/operational activities. Conducted outside normal supervisory procedures and chain of command. Personnel assigned to Staff Inspections have no command authority over line components. They operate through direct authority of the Sheriff. Staff inspections provide for improvement of the Sheriff's Office. These inspections are not tools for lodging disciplinary action. Having no direct supervisor authority over the personnel or unit inspected, a staff inspector normally only reports findings to the Sheriff, unless the inspector observes activities that could jeopardize the reputation of the agency or gross violations of procedure. In this instance, the inspector takes steps necessary to ensure a change in behavior or action. During the course of an inspection, efforts will be made to provide a supervisor from the Unit or special team to assist OPS personnel.

UNIT READINESS INSPECTIONS –Every four years OPS will conduct an inspection of specialized response teams and operational readiness to include Field Force, SWAT, Dive Team, Canine Services, Hazardous Device Team, Medical Support team, and Air Support.

STAFF / UNIT READINESS INSPECTION FUNCTION:

Goal - Increase effectiveness and improve standards of service.

Objectives:

1. Determine performance. Are policies, regulations, systems, and procedures complied with? Has the operation developed as planned?
2. Determine achievement. Did the operation accomplish what was expected of it?
3. Determine the use of resources.
4. Determine the existence of need.

PROFESSIONAL STANDARDS COMMANDER:

Duties and responsibilities:

- Ensures staff inspections of all divisions, sections, and units within the agency.
- Ensures inspections are conducted in an impartial and objective manner, and findings are documented in unbiased reports.
- Reviews and evaluates all inspection reports before they are forwarded to the Chief Deputy.
- Makes recommendations for improvement or remedial action to correct deficiencies.
- Maintains files to ensure follow-up inspections.
- Ensures compliance with CALEA standards during the inspection process.

PROCEDURE:

To attain the objectives of Staff Inspections - Everything within the agency is subject to inspection. The Sheriff can order Professional Standards to conduct inspections of any organizational element, procedure or condition.

PRE-INSPECTION NOTIFICATION – Divisions, units or sections receive a minimum of two full days' notice prior to inspection. Unit readiness inspections of specialized teams are conducted unannounced.

PRE-INSPECTION BRIEFING – Personnel assigned to conduct an inspection are briefed on general objectives and specific areas to be covered.

INSPECTION REPORT - Inspection reports are forwarded to the Chief Deputy, Division Majors and Division Commanders. They include recommendations for improvement, and credit for a job well done when praise would apply. When it is within their authority to effect change, recommendations for improvement are made directly to unit/section supervisors.

FOLLOW-UP INSPECTION - At prescribed time intervals, inspectors report on implementation progress of recommended changes for improvement.

SPOT-CHECK INSPECTION - Spot-check inspections identify problem areas which might lead to weaknesses or deficiencies in personnel or materials. These inspections are conducted continuously and on an unscheduled basis. If a spot-check inspection reveals the need for a more comprehensive inspection, then pre-inspection notification is made to the affected Division Commander.

INSPECTION FREQUENCY – Staff Inspections of all organizational components occur every four years.

STAFF INSPECTION EXAMPLES –

Personnel:

- Conduct
- Appearance
- Discipline
- Job performance
- Job knowledge
- Integrity
- Morale
- Knowledge of agency policy/procedures/ rules and regulations

Operations:

- Condition/maintenance of facilities and equipment
- Citizen interviews
- Communications discipline
- Incident response time
- Quality of calls-for-service
- Report preparation and records
- Roll calls
- Supervision and command
- Court appearance and presentations
- Selectivity of enforcement
- Work schedules in relation to manpower need
- Conformity with established policy and procedures

Administration:

- Cooperation, other elements and agencies
- Manpower utilization
- Control of overtime

INTERNAL AFFAIRS:

Background - It is the policy of this agency to accept and investigate **all complaints**, including anonymous complaints, of alleged misconduct against its employees: and, based upon investigative findings, to make fair, prompt, and impartial disposition of all charges.

PURPOSE OF INTERNAL AFFAIRS –

- Protect the public.
- Maintain integrity of the agency.
- Assure the rights and fair treatment of individual deputies.
- Achieve an effective disciplinary system.

FUNCTION OF INTERNAL AFFAIRS –

- Review complaints.
- Conduct impartial investigation of complaints.
- Testify before Conduct and Procedures Board reviews.
- Provide direction to the public about how to file complaints against employees. This is accomplished through community relations programs and the annual report.
- Registering letters of appreciation and commendation on employees.

COMPLAINTS:

COMPLAINT DEFINED - An allegation an employee has violated an agency or county rule/regulation, county ordinance, or state/federal statue.

Complaints generally originate from the following sources:

- Reported to supervisors by members of the agency.
- Reported by supervisors or command personnel.
- Reported by private citizens or citizen groups.
- Referred to the agency by any person or agency.

COMPLAINT INVESTIGATIVE CONCLUSIONS - At conclusion of the investigative process, complaints are classified in one of the following five categories:

UNFOUNDED – Investigation revealed complaint was not based on facts or the incident did not occur.

EXONERATED - Action reported did occur, but investigation disclosed actions were reasonable, lawful and proper.

NOT SUSTAINED - Insufficient evidence available to prove or disprove allegations in the complaint.

SUSTAINED - Investigation disclosed sufficient evidence to support allegations in the complaint.

ADMINISTRATIVELY CLOSED – Investigation is closed due to the uncooperative behavior of the complainant and/or victim.

SUPERVISORS AND THE INTERNAL AFFAIRS PROCESS - Immediate supervisors may investigate minor allegations (service related inquiries that do not rise to the level of an Internal Affairs investigation). Professional Standards investigates all major allegations. In addition, Professional Standards maintains staff control and coordination over all ongoing investigations. Division Commanders notify Professional Standards of employee misconduct investigated by supervisors. Professional Standards maintains records of allegations investigated by supervisors.

Complaints investigated by line supervisors or as directed by respective Division Commanders include, but are not limited to, the following:

- Differences of opinion between citizen and deputy relative to enforcement
- Lateness
- Uniform and equipment violations
- Personal appearance infractions
- Minor omissions in assigned duties
- Minor infractions of departmental regulations concerned with efficiency or safety
- Complaints of discourteous or minor misconduct
- Minor disciplinary problems of a supervisory nature
- Cases referred by Professional Standards

Complaints investigated by Professional Standards include, but are not limited to, the following:

- Commission of a crime
- Immorality
- Use of narcotic drugs
- Intoxication
- Acceptance of bribe or gratuity
- Malfeasance in office
- Injury to detainee
- Dishonesty
- Unauthorized release of confidential information
- Excessive use of force
- Other acts of a serious nature

PROFESSIONAL STANDARDS RESPONSIBILITIES UPON RECEIPT OF A COMPLAINT –

Step One: Evaluate the complaint. Assign a control number. Determine investigative action.

Step Two: Enter complaint in Internal Affairs Control Log.

Step Three: Notify affected Division Commander unless notification would impede or jeopardize the investigation. Refer major allegations to the Sheriff. The Sheriff determines the assignment, scope, and depth of the internal investigation.

SUPERVISOR RESPONSIBILITIES WHEN PROFESSIONAL STANDARDS REFERS COMPLAINTS –

Step One: Make all necessary investigative field contacts. In all cases, personal contact is desired over telephone contact.

Step Two: Document all information and compile written reports.

Step Three: Take appropriate disciplinary action if the complaint or infraction is within scope of supervisor's authority.

Step Four: Submit written report, findings, and, if applicable, disciplinary action taken, to Professional Standards within ten days of complaint assignment.

COMPLAINT FORMS:

Notification of Formal Complaint – All complaints agency wide are documented on Allegation of Employee Misconduct report forms.

AFFIRMATION FORMS - Forms signed by complainants to emphasize the seriousness of complaints, to discourage frivolous charges, and to document receipt of complaints.

PROFESSIONAL STANDARDS ROLE IN COMPLAINT PROCESS -

- Serve as the central repository for all internal complaint investigations.
- Serves as the primary investigating unit in matters of criminal conduct by employees. This does not preclude the temporary assignment of personnel from another division to augment Professional Standards personnel, depending on the nature or complexity of the investigation.
- Maintains liaison with the Solicitor's Office in all investigations involving alleged criminal conduct.
- Conducts a joint review with the Solicitor's Office prior to the dismissal of any criminal allegations against employees.
- Complete internal investigations within thirty days. Exceptions to the thirty day time limit granted only by the Sheriff when extenuating circumstances exist.
- Submit weekly status reports to the Sheriff on lengthy investigations.

ROLE OF THE PROFESSIONAL STANDARDS COMMANDER IN THE COMPLAINT PROCESS –
Serves as the Internal Affairs Officer and reports results of internal investigations directly to the Sheriff.

ROLE OF INVESTIGATING SUPERVISORS IN THE COMPLAINT PROCESS –

1. Responds to complainants by letter, in person, or by telephone.
2. Limits response to the specific charge, the agency's response to the charge, and disposition of the investigation, if final disposition is determined.

NOTE - If a complaint has resulted in an Internal Affairs investigation, the Office of Professional Standards responds in writing to the complainant.

EMPLOYEE NOTIFICATION OF COMPLAINT INVESTIGATIONS - To ensure employee morale, employees under complaint investigation are informed of complaints, unless doing so could jeopardize the investigation. In all cases employees are informed of the results of investigations. Employees receive a written statement of the allegations, their rights and their responsibilities relative to the investigation as soon as practical.

EMPLOYEE / COMPLAINANT INTERVIEWS– To ensure the accuracy of the complaint investigation process, employee and complainant interviews may be videotaped.

RELIEF FROM DUTY – Any employee involved in a response to aggression or collision, while operating a county vehicle, that results in serious injury or death will be removed from a line of duty assignment pending administrative review by the Sheriff.

Additionally, if it is in the best interest of the agency and the public, employees can be relieved from duty pending the outcome of an investigation involving allegations of serious misconduct or criminal conduct. Relief from duty is also used in cases where the officer's physical or psychological fitness is impaired. Relief from duty involves transfer from field duties to administrative duties, placement on leave, or suspension without pay.

INSTRUMENTS FOR THE DETECTION OF DECEPTION - Deception testing of employees may be required during internal affairs investigations. Before proceeding further with complaints where there is no supporting evidence and the investigation hinges solely on the statement of the complainant, the complainant is requested to take deception tests.

EVIDENCE GATHERING - Employees can be required to submit to additional evidence gathering tests when the examinations are specifically directed and materially related to a particular type of internal affairs investigation, such as an allegation of drug use or a witnessed act of misconduct or criminal activity:

- Employee medical or laboratory examinations conducted at Sheriff's Office expense.
- Employee file photographs or current photographs. Employee financial disclosure statements.
- Employee participation in a line-up.

INTERNAL AFFAIRS RECORDS – Professional Standards maintains permanent files of all records pertaining to internal affairs investigations. Digital records are kept secured in the OPS folder on network servers with authorized access only. Hard copies are kept in a locked filing cabinet within the OPS office which has controlled access.

ACADEMY MISCONDUCT REPORT FORM - When a sworn employee is the subject of an investigation for misconduct and the allegation is determined to be valid, a Misconduct Report Form is completed by Personnel and sent to the South Carolina Criminal Justice Academy.

COMPLAINANT NOTIFICATION OF DISPOSITION:

A complainant who files a formal complaint on an employee will be notified of receipt of the complaint within fourteen days. At the conclusion of the investigation, usually within thirty days, the complainant will be notified of the results.

REQUIRED REPORTING:

Incidents of questionable employee behavior are to be immediately reported to the Office of Professional Standards. Questionable behavior would be any activity that could reflect unfavorably on the Sheriff's Office, or that could impair the operation or efficiency of this agency or the employee. This includes criminal allegations or situations of imminent arrest.

Additionally, employees are required to immediately report any criminal allegations or the imminent arrest of an employee to the Office of Professional Standards. Employees are to report any contact with law enforcement outside of their job function (i.e. traffic violations, etc) and/or other non arrest able offenses to their immediate supervisor upon returning to work for their next assigned shift.

If an employee is sued as a result of job function, they are required to report the lawsuit to a supervisor and the Office of Professional Standards.

See also General Order 238 Employee Domestic Misconduct and the use of No Contact Orders.

Hobart Lewis, Sheriff