	Administrative General Order	10 Office of Internal Affairs	**PAGE 1 OF 22**
	City of Charleston Police Department Policy and Procedure Manual		EFFECTIVE DATE: **02/01/08**
			ORIGINATOR: **Strategic Analysis & Innovations**
			REVISED: **03/23/20**
	DISTRIBUTION: **ALL**	**CALEA:** 26.1; 26.2; 26.3; 35.1.9	
BY THE AUTHORITY OF THE CHIEF OF POLICE: Luther Reynolds			

This policy cancels the Administrative Investigations Field Guide.

CONTENTS:

10.1 Purpose
10.2 Policy
10.3 Authority
10.4 Responsibilities of the Office of Internal Affairs
10.5 Definitions
10.6 Procedure
10.7 Investigative Process
10.8 Discipline Process
10.9 Administrative Reviews
10.10 Appealing the Findings
10.11 Finalization of Investigations
10.12 Related Criminal Investigations
10.13 Employee Accountability
10.14 Mediation Process
10.15 Early Intervention Program
10.16 Records Security
10.17 Public Information on Complaint Procedures
10.18 Annual Statistical Reporting
Appx 1 Class A Offenses
Appx 2 Class B Offenses
Appx 3 Discipline Matrix

GENERAL ORDER #10

10.1 PURPOSE

The purpose of this policy is to set forth procedures regarding the structure, functions, and responsibilities of the Office of Internal Affairs (OIA).

10.2 POLICY (CALEA 26.2.1)

It is the mission of OIA, within the Professional Standards Division (PSD), to ensure public confidence in the Department through objective and thorough investigations of all allegations of employee offenses. It is the policy of the Charleston Police Department to accept and appropriately investigate all complaints, including anonymous complaints, against Department employees, both internally and externally, to equitably determine the validity of any allegation.

10.3 AUTHORITY (CALEA 26.2.3)

The Professional Standards Division Commander is appointed by and shall report directly to the Chief of Police. The OIA is under the direct supervision of the Professional Standards Division Commander and has the authority and responsibility to initiate administrative investigations into employee misconduct. The OIA Lieutenant works under the direction of the Professional Standards Division Commander and will also report directly to the Chief of Police. The Internal Affairs investigator(s), at the rank of Sergeant or equivalent, will report directly to the Internal Affairs Lieutenant.

The OIA is a fact-finding internal investigative unit and will have the authority to access all department records, reports, equipment and areas under control of the Charleston Police Department for the purpose of making a complete investigation of alleged misconduct.

The Chief of Police has authority for disciplinary action

10.4 RESPONSIBILITIES OF THE OFFICE OF INTERNAL AFFAIRS

The OIA is responsible for maintaining and increasing the integrity of the Charleston Police Department by either monitoring or conducting full, fair, and objective investigations of all complaints or allegations of offenses on the part of employees of the Department. While the purpose of these investigations is to identify any potential policy or procedural violations, they are also designed to protect employees against false allegations. This can only be accomplished through a consistently thorough investigative process.

10.5 DEFINITIONS

Employee - Any sworn or non-sworn employee of the Charleston Police Department.

Citizen's Complaint - A specific allegation of an offense against a department employee by a known or anonymous citizen.

Internal Complaint - A specific allegation of an offense against a department employee by another department employee.

Compliment – Any positive recognition that expresses appreciation for services rendered by a police employee that exceeds the expectations of a citizen or the Department.

IAPro - A database system designed to track all employee complaints and compliments. OIA may directly input complaints into IAPro without going through a Supervisory Complaint Intake. IAPro retrieves information from BlueTeam.

BlueTeam – A software system that permits employees and supervisors to enter and manage data. Information is routed through the chain of command with review and approval at each step.

Investigative Review - A process where the Deputy Chief has the ability to resolve any outstanding concerns involving the Administrative Investigation.

Supervisory Complaint Intake ("SCI") – An entry in BlueTeam designed to document complaints taken by supervisors or the OIA to address and document any concern or question about a possible policy violation, the procedure used, or action taken by any employee of the Department. Supervisory Complaint Intakes will be forwarded to IAPro.

Compliment Intake – An entry of a compliment into BlueTeam by any Department employee.

Class "A" Offenses – A classification used by the Department regarding the most serious complaints investigated and reviewed through the employee's chain of command. See Appendix 1 for a list of examples of Class "A" Offenses.

Class "B" Offenses – A classification used by the Department regarding complaints alleging less serious infractions of Departmental Policies. These allegations will be investigated by the accused employee's direct supervisor and reviewed through the employee's chain of command. See Appendix 2 for a list of examples of Class "B" Offenses.

Administrative Investigation - An investigation generated by the Department concerning a specific allegation of employee offense. An administrative investigation may be authorized based on the nature of the complaint, at the request of the employee's chain of command or through OIA.

10.6 PROCEDURE

Accepting a Complaint or Positive Employee Recognition (CALEA 26.2.4)

1. All employees of the Department are required to immediately, and in a courteous and willing manner, direct any person who wishes to make a complaint or provide positive employee recognition to a supervisor or, if requested, how to contact the OIA.
2. All supervisors, as well as OIA, are charged with the responsibility for accepting all complaints and positive employee recognition even if the person wishes to remain anonymous.
3. Supervisors must document all complaints or compliments in Blue Team,
4. Complaints or positive employee recognition involving Department employees may be accepted in person or in writing at 180 Lockwood Blvd., Charleston, SC 29403, via the Internet by going to https://www.charleston-sc.gov/index.aspx?nid=1153 and filling out the Officer Comment Card Fill-In Form. Complaints or positive employee recognition can be emailed to the OIA at INTERNALAFFAIRS@charleston-sc.gov or OIA can be reached by telephone at (843) 720-2447. An on-duty supervisor can be contacted through Consolidated Dispatch at (843) 743-7200.

Processing Positive Recognition (CALEA 26.1.2)

1. All supervisors, at all levels, are expected to recognize an employee for their job performance that exceeds the expectations of a citizen or the organization.
2. A positive feedback form, letter of appreciation, or letter of recognition, regardless of the format, received from a citizen, another law enforcement agency, a civic or private organization, or supervisors within the department that expresses appreciation for services rendered by a police employee will be routed through the employee's chain of command to the Chief of Police.
3. The supervisor receiving the compliment will complete a "Compliment" entry in BlueTeam. At a minimum, the supervisor will include the employee's name, the person providing the compliment, a brief narrative of the compliment and attach any documents to the compliment entry.

Processing a Supervisory Complaint Intake (CALEA 26.2.1, 26.3.1, 26.3.2)

Resolution prior to investigation:

1. By taking the time to listen to the complainant during the initial complaint, it may be possible to resolve an issue without requiring a more formal investigation. Supervisors and Internal Affairs Investigators are encouraged to mediate complaints which may be resolved during initial contact with the complainant.
2. Mediated complaints will be documented in BlueTeam using the Supervisory Complaint Intake and be routed through the employee's chain of command for review or approval.
3. Supervisors and Internal Affairs Investigators will review the involved officer's body camera to help them mediate these complaints. If necessary, the complainant may view the involved officer's body camera with the supervisor or the Office of Internal Affairs to gain a better understanding of the events.

Class "A" Offenses:

1. Should a supervisor develop or receive information that a Department employee is suspected of a Class "A" Offense, that supervisor will report the violation directly to their Chain of Command and in turn, the OIA will be notified immediately. It will be the responsibility of the OIA to record all Class "A" complaints in IAPro as an Investigation.
2. The Captain of the Professional Standards Division will notify the Chief of Police of all allegations involving employee misconduct.

Class "B" Offenses:

1. Any supervisor receiving a Class "B" Offense complaint will complete a BlueTeam "Supervisory Complaint Intake" and forward it through the employee's chain of command. The compliant entry should be completed no later than end of shift on the date the complaint was made.
2. The Supervisory Complaint Intake will include at a minimum; a summary of the allegation(s), the name of the involved employee(s) if known, contact information for the complainant, any witness information if applicable, any associated documents, photographs, reports, and/or audio or video files should be attached.
3. If the supervisor was able to handle the complaint at the time it was reported, they will notate in the narrative section of the Supervisory Compliant Intake how the complaint was resolved and their findings.
4. All Supervisory Complaint Intakes will be forwarded through the employee's chain of command for review and approval.
5. If the complaint cannot be resolved, or if the supervisor requests the complaint be opened as an investigation, then the supervisor will add a statement at the end of the narrative indicating such. The OIA will review the entry and generate an Investigation case number. The two files will be linked together in IAPro and the Supervisory Complaint Intake will be closed and all information added to the investigation case file.
6. At a minimum, a Supervisory Complaint Intake will be completed on all Class "B" Offenses. Depending upon the seriousness of the situation and the amount of information developed, the offense may be upgraded to a Class "A" Offense, and an Administrative Investigation will commence.

OIA Tracking

The OIA will monitor all Supervisory Complaint Intakes and assign them a tracking number. Once the Supervisory Complaint Intake has been approved by the employee's chain of command, the OIA will complete all necessary statistical fields and close the file with the actions taken by the supervisor.

10.7 INVESTIGATIVE PROCESS

Classes of Investigations (CALEA 26.3.1)

All investigations will be divided into two Classes, Class "A" (Appendix 1) and Class "B" (Appendix 2).

1. However, at the discretion of the OIA Lieutenant, some Class "A" offenses may be referred to the employee's chain of command for investigation.
2. Class "B" offenses, will be investigated by the employee's chain of command. However, the OIA Lieutenant may retain certain Class "B" offenses which will be investigated by OIA. Any investigation referred to the Team Lieutenant or equivalent may be investigated by them, or they may oversee the administrative investigations and task the accused employee's direct supervisor to conduct the investigation.

Internal Affairs Investigation

If the investigation is to be handled by OIA, the following process will occur:

1. Administrative Case File created by OIA;
2. OIA personnel will be assigned;
3. Correspondence sent to Complainant by OIA (if external complaint);
4. Employee receives administrative notification from OIA;
5. Administrative investigation conducted by OIA;
    a. Reviews of video footage, reports, photographs, etc.
    b. Interviews.
6. Findings will be determined by OIA;
7. Discipline determined by chain of command based on the employee's history and discipline matrix.

Chain of Command Investigation

If the investigation is handled within a Team, the following process will occur:

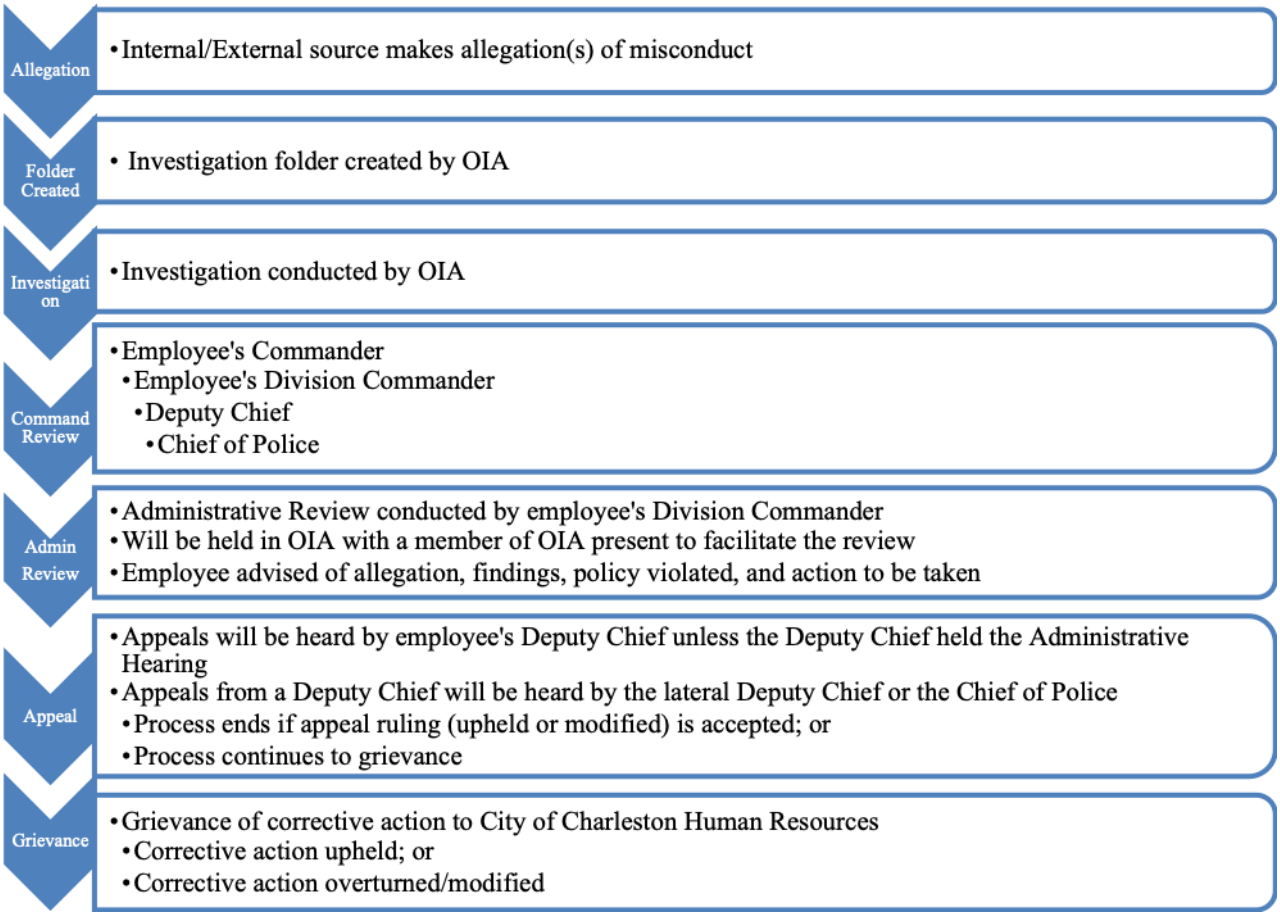
1. Administrative Case File created by OIA;
2. Team Commander, or supervisory designee, will be assigned;
3. Correspondence sent to Complainant by OIA (if external complaint);
4. Employee receives administrative notification from OIA;
5. Administrative investigation conducted by the Team;
    a. Reviews of video footage, reports, photographs, etc.
    b. Interviews.
6. Findings will be determined by Team Commander, or supervisory designee;
7. Discipline determined by Chain of Command based on employee history and discipline matrix.

Administrative Case File

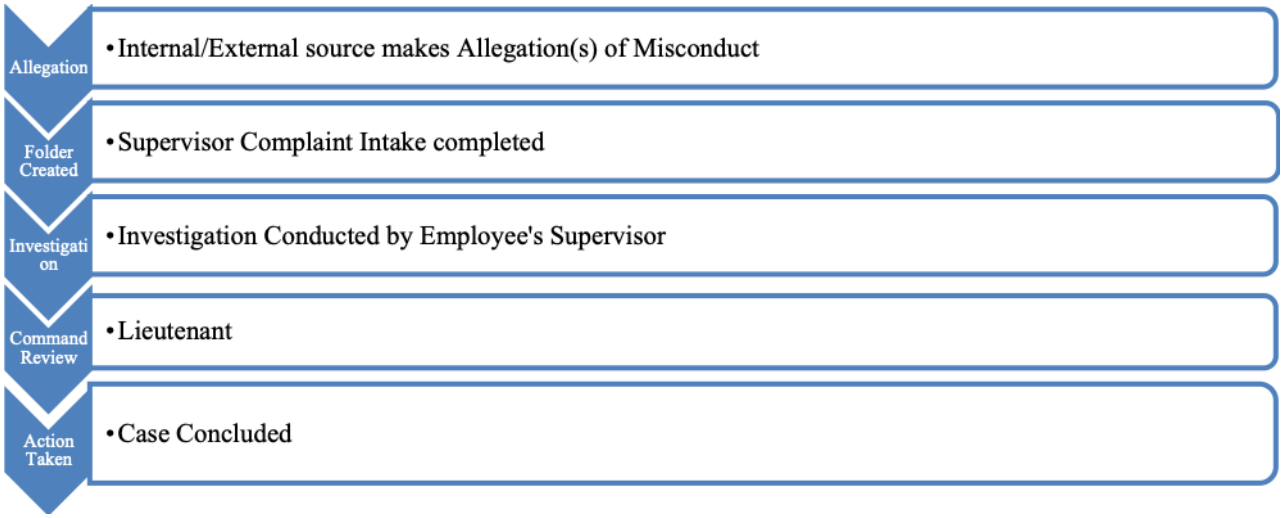
OIA will be responsible for preparing the investigative case folder for distribution to the employee's chain of command. The case file will be marked "confidential" and labeled with the OIA case number. At the time the file is picked up by the employee's chain of command, the recipient of the file will be required to sign the Administrative Investigation Status form acknowledging receipt of the file.

GENERAL ORDER #10

Class A Flowchart



Class B Flowchart



*The Chief of Police has discretion to assign a commander outside the employee's chain of command to conduct the administrative ruling and/or review when a conflict of interest occurs or to preserve the integrity of the review process.

Assignment of Personnel

Personnel assigned to conduct the administrative investigation will either be OIA investigators or the employee's chain of command.

Correspondence with Complainant (CALEA 26.3.4)

Upon notification of a citizen complaint not resolved by a supervisor or OIA but requiring a full investigation, OIA will correspond in writing with the complainant in order to acknowledge receipt of the complaint.

1. The assigned investigator will, within three (3) days of being assigned the case, contact the complainant advising them they have been assigned to the case and how the investigator can be contacted.
2. The assigned investigator will provide updates on the case, as necessary, to the complainant.
3. Upon the conclusion of the administrative investigation, OIA will notify the complainant of the case disposition in writing.

Administrative Notification (CALEA 26.3.5)

1. When an employee becomes the subject of an administrative investigation, OIA will send an Administrative Notification Letter to the accused employee which will include a statement of the allegation(s).
2. Notification will also be made to the employee's Team Lieutenant or equivalent and direct supervisor.
3. Class A allegations against an employee may result in them being place on administrative leave with or without pay. In these cases, OIA will prepare a memorandum to the employee on behalf of the Chief of Police advising them of their change in duty / pay status. Employees are strictly prohibited from preforming any on-or-off-duty functions while on administrative leave. Employees will be advised that during the time they are on administrative leave, they have no law enforcement authority and, therefore, are not allowed to conduct certain functions.

Conducting the Administrative Investigation

Review of Documentation

The investigator, once assigned, will conduct a review of all available information to include; the initial complaint, any reports, photographs, security videos, body camera videos, and in-car camera videos.

1. It is recommended that all videos be download and saved to on a media storage device within three (3) days of the investigator being assigned and, if necessary, adjust the retention period for the body camera and in-car video recordings.
2. The investigator will attempt to contact and interview the complainant, the accused employee, and any witnesses related to the investigation.
3. All physical evidence such as photographs, pertinent records, background evidence, etc. will be collected and placed in the case folder.
4. During the investigation, the investigator should refrain from making any judgmental statements, which could result in the complainant or accused employee in reaching a premature conclusion that might be contrary to the final disposition.
5. Should the investigator need guidance during the investigation, they are encouraged to contact the OIA for assistance.

No complaint will be investigated by any person named in or implicated by the complainant. Once a complaint has been made, the complaint will not be disposed of solely because of a complainant's desire to withdraw the complaint or refusal

to cooperate. Should the complainant wish to withdraw their complaint or refuse to cooperate, the investigator will document in their investigative summary all attempts to establish the merits of the complaint and the complainant's refusal to assist.

Interviews

OIA strongly recommends all interviews be audio recorded and video recorded when applicable. The OIA, at a minimum, will audio record all interviews that are provided by employees of the Department. Whenever a statement or recorded interview is made with a complainant, witness, or employee, the following information will be part of the preamble:

1. Name of interviewer;
2. Location of interview (if a taped phone conversation, number called);
3. Date and time;
4. Name of person being interviewed;
5. Names of anyone else present;
6. Name of employee the complaint involves.

Under normal circumstances, pre-interviews (unrecorded preparatory interviews) with departmental personnel are strongly discouraged and should be approached with caution. Any audio files should be forwarded to OIA so they can be downloaded into IAPro and forwarded for transcription. The audio files should also be placed on a media storage device and placed in the case file.

Once a citizen's complaint has been made, the complaint will not be disposed of solely because of a complainant's desire to withdraw the complaint. When a complainant requests that a complaint be withdrawn, the complaint will still be investigated as documented as outlined in this policy. If the complainant becomes uncooperative, despite persistent efforts on the part of the investigator to establish the merits of the complaint, such actions will be documented in the investigative report summary.

Any administrative investigation may be reopened, and any disciplinary action or exoneration resulting from the original investigation may be reassessed upon the presentation of new or additional evidence not previously considered by the officials who conducted the investigation.

Garrity Notification

1. Under Garrity, an employee will be compelled to truthfully answer questions that are related to their duties or fitness.
2. General Order 17.63 "Truthfulness," states: "No member will knowingly make a false statement to any department supervisor or city official. Upon the order of the Chief, the Chief's designee, or a supervisory member, employees will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them." As such, no employee may refuse to provide information, answer questions, and must fully cooperate during an administrative investigation.
3. After the employee has been advised of the Garrity warning, the signed Garrity warning will be placed in the case folder and a copy, if requested, will be provided to the employee. If the employee refuses the investigator's order to cooperate with the investigation, the investigator will immediately contact the employee's chain of command, who will relieve the employee from duty pending further action.

Findings (CALEA 26.3.8)

Unless special circumstances exist, the goal is to complete the investigative process and administrative review process within a timely manner. Once OIA completes the investigation, the administrative review process will be initiated and

completed within thirty (30) days. An extension may be requested by completing a Request for Extension form and emailing the form to the Professional Standards Division Captain. The Request for Extension should document any pending actions necessary for the completion of the investigation. Upon approval, the investigation will be extended an additional fifteen (15) days.

Once the investigator has completed their investigation, they will prepare an investigative summary for all administrative investigations regardless of the accused employee's status with the department at the time and indicate their findings in the investigative summary which will be based on a Preponderance of the Evidence.

There are 5 potential findings:

1. Sustained – There is SUFFICIENT evidence to prove the allegation;
2. Not Sustained – There is INSUFFICIENT evidence to prove or disprove the allegation;
3. Exonerated – Incident occurred, but the employee's actions were proper;
4. Unfounded – Allegation is proven to be false;
5. Policy Review – Employees actions were within policy, but the consequences of the policy need to be addressed with the employee. If a finding indicates a review of the policy with the employee is necessary, then the employee should be exonerated. Administrative investigations concluded with Policy Review as the disposition will include a recommendation as to what review is needed, by whom, and provide a follow-up due date.

Special Circumstances

The time frames set forth in this guideline may be extended by the Professional Standards Division Commander based on individual case circumstances. Requests for extensions will be made in writing directly to the Professional Standards Division Commander.

Should it become necessary, any administrative investigation may be reopened, and any disciplinary action or exoneration, resulting from the original investigation, may be reassessed upon the presentation of new or additional evidence not previously considered by the officials who conducted the investigation.

10.8 DISCIPLINE PROCEDURES

1. During the review for corrective action, all information associated with the investigation must be reviewed by the employee's chain of command. The Captain/Manager dispensing corrective or disciplinary actions for sustained allegations will review the employee's discipline history and consult the discipline matrix. This will maintain consistency with the amount and type of discipline that the employees receive. The action to be taken will be determined by the disciplinary matrix. It will be commensurate with the circumstances surrounding the incident, while considering the employee's service record and any prior sustained complaints. Corrective action and disciplinary action should serve to encourage the employee to perform at an acceptable level in the future.
2. The employee's Captain/Manager will complete an Administrative Review Form (CPD Form #69) for each policy violation and mark the recommended action. The Administrative Review Form will be added to the case file and forwarded through the employee's chain of command.
3. Should a Commander reviewing the case file have any questions concerning the findings, they will contact the OIA investigator assigned and seek clarification or request additional investigative steps be completed. If the Commander reviewing the folder is still in disagreement with the findings, they will document there concern and recommendation on the Form #69. The case file will be routed up the chain of command to the next Commander, who will review the

folder and the comments from the other Commander before making their decision and recommendation. Upon review by the employee's Deputy Chief, should it become necessary to resolve any disagreements, they may request an Investigative Review with the Captain of the Professional Standards Division.

Non-punitive Actions (CALEA 26.1.4)

1. Mediation – designed to resolve disputes and concerns between parties by mutually searching for a resolution through facilitated communications by a certified mediator.
2. Verbal or Written Counseling – encourages open communication between the employee and supervisor where desirable standards related to job performance or behavior are not met. Supervisors who counsel employees on job performance should maintain a written record of the counseling session.
3. Employee Assistance Program - Professional services are provided to the employee to assist with personal matters specific to the employee, such as Financial, Grief, Emotional, or be Drug/Alcohol abuse or dependency. Participation in a counseling program may be required of an employee in lieu of a more serious disciplinary action, if it is determined by the Chief of Police that the employee would benefit from it. The failure to participate by the employee, however, will revert the incident back to the more serious disciplinary action.
4. Re-Training – the process used to teach the employee skills and knowledge, or behavior for continued success within the department.

Punitive Actions

1. Written Reprimand - a written warning of error or inappropriate behavior not tolerated by the Department. This can be used in either a Supervisor Complaint Intake or an Investigation.
2. Suspensions – formal loss of work days without pay. If the corrective action involves suspension of an employee, the employee will be advised that during the time they are serving their suspension, they have no law enforcement authority and, therefore, are not allowed to conduct certain functions. Employees are strictly prohibited from performing any on-or-off duty functions during this time.
3. Demotion – loss of pay grade(s) and accompanying pay rate.
4. Termination – dismissal from employment.

Discipline is intended to correct and deter violations and breaches of behavior. In cases that involve more than sixteen (16) hours of suspension, the employee and their respective Captain/Manager, if agreed upon by both parties, may request that the suspension be served in increments across two separate pay periods. This request must be made in writing directly to the Chief of Police.

10.9 ADMINISTRATIVE REVIEWS

The following guidelines will be used for administrative reviews and administration of recommended corrective actions.

1. All Administrative Reviews will be conducted in the OIA with a representative from OIA acting as the procedural officer. During this time, all reviews will be audio recorded at a minimum.
2. When actions occur that result in an employee being charged with a policy violation, the employee has the right to an Administrative Review prior to such action being taken.
3. The Captain/Deputy Chief/Manager will hold an Administrative Review to communicate the findings of the investigation to the involved employee within ten (10) working days of the investigation being completed, reviewed, and approved by the chain of command regarding the disposition of the investigation.

4. The Administrative Review will be conducted during the employee's duty hours or as close as possible to those hours. The employee will be notified by his/her Captain/Deputy Chief/Manager at least forty-eight (48) hours prior to meeting.
5. During the Administrative Review, if the violation is sustained, the employee will be advised of the command recommendation for corrective or disciplinary action.
6. If the employee does not appeal the corrective administrative action, it will be imposed and implemented immediately. However, the employee will also be given the option to appeal the corrective action.

10.10 APPEALING THE FINDINGS (CALEA 26.1.6)

1. All Appeal Hearings will be conducted in the OIA with a representative from OIA acting as the procedural officer. During this time, all hearings will be audio recorded at a minimum.
2. If an employee appeals the findings to their Captain/Manager during the Administrative Review, the administrative appeal and corrective action determination will occur within ten (10) working days from the date of the Administrative Review.
3. When a situation arises, which may conflict with the integrity of the review process the Chief of Police at his/her discretion may assign a commander outside the employee's chain of command to conduct the administrative hearing and/or appeal review.
4. The employee will be given at least forty-eight (48) hours' notice of the appeal hearing date and time so that they have adequate time to prepare for the proceedings.
5. The employee's Deputy Chief will preside over the Appeal Hearing.
6. If the employee's Deputy Chief conducted the Administrative Review, then the appeal will be presided over by the lateral Deputy Chief.
7. Once the internal discipline process is completed, any discipline imposed on Department employees can be grieved through the City's regular grievance process in accordance with the terms and conditions outlined in the City policy.
8. The City of Charleston Human Resource Department will make determinations regarding the ability to file a grievance.

10.11 FINALIZATION OF INVESTIGATIONS

Upon completion of the administrative review process, the entire folder will be returned to the OIA. A copy of the corrective action must be placed in the investigative folder, and the original must be forwarded to Personnel Office to be placed in the employee's personnel folder. Additionally, OIA will complete the following:

1. The preparation of all letters and/or memos where signatures are required.
2. For all Citizen Complaints, a letter detailing the disposition of the case is sent to the complainant by mail or electronic mail. This letter denotes the type of disposition of the case only and does not in any way indicate what, if any, disciplinary action was taken in the matter.
3. For all Internal cases where allegations were made by one employee against another, memorandums detailing the disposition of the case are prepared and are then sent via confidential inside mail to the affected employee.

Termination letters will normally be generated by OIA and signed by the Chief of Police.

10.12 RELATED CRIMINAL INVESTIGATIONS

If an investigation of a Department employee focuses on criminal matters, the appropriate criminal investigative unit will be contacted by OIA and the investigation will be conducted by the outside agency. The criminal investigation will be

conducted first and independent of the OIA investigation. If applicable, OIA may collect some information necessary to support placing the employee on administrative leave with or without pay, while the investigation is on-going. All commanders must be mindful that compelled statements may taint any criminal proceedings. At the conclusion of the criminal investigation, OIA will obtain a copy of the case file and all related documents which will be included in the Department's administrative investigation.

10.13 ADMINISTRATIVE INVESTIGATION TOOLS (CALEA 26.3.6)

Upon the order of the Chief or the Chief's designee, employees will submit to any medical, ballistics, chemical, audio/video, or other tests, photographs, or lineups as required. All procedures carried out under this subsection will be specifically directed and narrowly related to a particular investigation being conducted by the Department.

Alcohol and/or Drug Tests

An employee who is suspected of being impaired from consuming intoxicating beverages or is suspected of using illegal controlled substances or the improper use of controlled substances, will submit to the appropriate tests to determine the employee's fitness for duty.

The employee will be immediately removed from their current duties and will be required to submit to either a blood, breath or urine test to determine the presence, if any, of drug(s) or alcohol in the employee's system when the employee's supervisor has a reasonable suspicion that the employee is under the influence of drug(s) or alcohol.

The following procedural safeguards will be observed to ensure that reasonable suspicion does, in fact, exist. The supervisor must have knowledge of objective facts or events that would reasonably lead him/her to suspect that an employee is under the influence of drug(s) or alcohol. Such facts or events may include, but are not necessarily limited to, the following:

1. Observed possession or use of drugs or alcohol by the employee "on-the-job" or prior to reporting for duty,
2. The smell of marijuana or alcohol on the employee's person,
3. The occurrence of an accident or incident involving personal injury or damage to property when there is no reasonable explanation for the occurrence thereof,
4. Mood swings, agitation, hyperactivity, explosiveness, violence, combativeness or other remarkable behavior that is uncharacteristic of the employee, and
5. Excessive absenteeism, tardiness or other significant changes in job performance.

The determination by a supervisor that reasonable suspicion exists will be supported by at least one additional supervisory-level employee. The employee will be escorted to the designated testing center by the employee's supervisor or designee.

In the event that the designated laboratory is unable to provide the testing, the employee will be transported to the nearest hospital. The employee will be required to sign a consent form releasing the test results to the Department.

Whenever an employee's urine or blood sample tests positive for the presence of drug(s) in the employee's system, the urine or blood sample will be subjected to a more scientifically-accurate confirmatory test. If the confirmatory test is positive, the employee with be placed on administrative leave. An employee whose results were positive may request that an independent confirmatory test be conducted on the urine or blood sample. The request will be made, in writing, to the Director of Human Resources within seventy-two (72) hours of the date

on which the employee receives the results of the initial test. The laboratory that conducts the independent confirmatory test will be selected by the employee from a list of laboratories approved by Occupational Health Services and on files with the Department of Human Resources. The City will bear the cost for all alcohol and drug-related tests. When an employee elects an independent confirmatory test, the employee will be required to pay for a positive independent confirmatory test.

All blood, breath, and urine samples will be processed, and all tests will be conducted in accordance with established clinical procedures.

For the purposes of this policy, the individual will be deemed to have violated the policy if there is any detectable amount of the substance in the body.

The fact that the substance may have been obtained, possessed, ingested, or otherwise used in a jurisdiction outside of South Carolina is not relevant to the application of this policy or the prohibitions it contains. If the use is prohibited by this policy; a violation will subject the employee to immediate discharge.

Random Drug Screening

The OIA will ensure that monthly random drug screenings occur. The monthly screenings, when combined, must capture a total sample size equal to at least twenty (20) percent of sworn employees of the Department. The random selection will be by a computerized program and be achieved using a method by which each and every employee, regardless of rank or assignment, has an equal chance of being tested each time random selections are made. Upon anonymous selection, the OIA will notify the selected employee(s), who will then have forty-eight (48) hours to obtain the necessary paperwork and present themselves for testing at a designated laboratory.

Specimens will be checked for at least the following five substances (other substances may be added to the list periodically, as determined by the City to be appropriate):

a. Marijuana (any substance containing any trace of THC, such as CBD oil);
b. Cocaine;
c. Opiates;
d. Amphetamines;
e. Phencyclidine;

Specimens may also be tested for alcohol.

Any employee who refuses to submit to a drug test when randomly selected, or who submits adulterated or modified urine samples, or who in any way attempts to evade a drug test or submit a false or misleading sample, is subject to the same penalties as those employees who test positive for the illegal use of drugs.

Employees found to be using illegal substances will be immediately placed on administrative leave pending further investigation and/or an independent medical review or fitness-for-duty evaluation. Failure to report for testing within the forty-eight (48) hour timeframe will be considered a refusal to submit to a drug test. Employees who refuse to report for testing or test positive for the use of illegal drugs are subject to disciplinary action including termination.

An employee will only be deferred from drug screening when:

a. on authorized leave at the time of notification;
b. on official travel status out of the area;
c. under suspension; or

d. on administrative leave.

Employees found to have controlled substances that are not illegal but can impair performance, such as, but not limited to, opiate analgesics, controlled substances used as sleep aids or muscle relaxants, or anabolic steroids, may be required to submit to an independent medical review or fitness-for-duty evaluation by the appropriate medical specialist (whether it be an internist, cardiologist, endocrinologist, or psychiatrist, or a combination thereof) to ascertain whether these employees are using such substances appropriately and/or whether their use of such substances will impair performance.

All other provisions of the City's policy which are not inconsistent with this CPD policy continue in effect for CPD employees. For further information, employees may refer to City of Charleston Employee Handbook Appendix E.

Photograph Identification

Photographs or videotape pictures of employees may be taken, whether knowingly or unknowingly, for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct.

Audio/Video Recordings

Audio or video recording exemplars of employees may be taken for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct.

Financial Disclosure Statements

Upon the order of the Chief of Police, or designee, employees will submit financial disclosure statements in accordance with departmental procedures in connection with a complaint in which this information is material to the investigation. These statements will be maintained by the Chief of Police and will not be disclosed except as required by law. An employee may only be compelled to provide financial disclosure statements when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain.

Polygraph Examinations

All polygraphs conducted in connection with internal or citizen complaint investigations will be requested through the OIA and will be approved by the Chief of Police.

Polygraph examinations should be limited to those cases in which the allegations are relatively serious, and all other investigative leads have failed to produce a preponderance of evidence which will either prove or disprove the allegation. No investigator will personally administer a polygraph examination to any employee involved in a case in which he is the assigned investigator.

Physical Line-up

An employee may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct.

10.14 MEDIATION PROGRAM

1. The Charleston Police Mediation Program is a voluntary process available to all employees of the Charleston Police Department, provided the employee does not have a high number of sustained complaints or previous involvement in the mediation process.

2. The program is designed to allow citizens and Department members the opportunity to discuss their concerns and resolve disputes and concerns between parties by mutually searching for a resolution through facilitated communication by a certified mediator.
3. All parties must be agreeable to participate in mediation.
4. Supervisors who agree to participate in mediation with employees relating to issues surrounding disciplinary action are not authorized to amend or reduce disciplinary actions.
5. In cases where an agreement is reached, the mediation agreement is binding, and other grievance procedures available to the employee are waived.

Case Eligibility

1. Class "B" Offenses may be considered for mediation. This includes such offenses as Courtesy, Unsatisfactory Performance, and Officer Rudeness.
2. Complaints from persons who have been charged with a crime will not be eligible for mediation until the criminal charges pending against the complainant have been heard and court proceedings are concluded.

Mediation Process

1. During the review for corrective action, the employee should be made aware of the mediation program as an alternative to resolving the dispute with the citizen. If the complainant and employee are interested in mediation, the supervisor will refer the case to the OIA where the Internal Affairs Lieutenant will review the merits of the case and make the final determination as to whether the case can proceed to mediation.
2. If the case is eligible for mediation the OIA will coordinate finding a mediator acceptable to both parties. The mediator will then contact both parties involved to schedule the mediation at a time convenient to all parties.
3. Prior to the beginning of the mediation session, the employee and the complainant must sign the Agreement to Mediate form. At any time during the mediation process, either party can withdraw their request for mediation. The complaint will then be given back to the employee's commander to recommend appropriate action.
4. At the conclusion of the mediation, the mediator(s) will deliver a statement of outcome to the OIA categorizing the resolution as one of the following:
    1. Agreement;
    2. Non-agreement; A non-agreement will be referred back to the OIA and given back to the employee command for action.
    3. Partial agreement.

Resolution of Mediated Complaints

1. Any agreement arising out of the mediation proceeding will not be binding upon the department unless the department affirms the agreement.
2. The case file will contain the Referral for Mediation Form and a Mediation Resolution finding. All documents related to the mediation will be entered into IAPro and the case file will be closed.
3. If the mediation is unsuccessful, or if during the course of the mediation, either or both parties request a formal investigation, the case will be returned to the OIA for investigation.
4. During the Internal Affairs investigation, no party will be permitted to refer to any statements made during the mediation process, unless all parties to the mediation agree in writing to waive the confidentiality.
5. Mediation files will not be reproduced, duplicated or made public in any way.

6. Any statements pertaining to the case will not be disclosed except as required by law.

10.15 EARLY INTERVENTION SYSTEM (CALEA 35.1.9)

It is the policy of the Charleston Police Department to provide the appropriate assistance to employees who may be experiencing job performance difficulties. The Department will employ an Early Intervention System (EIS) in an effort to identify employees who may be in need of such assistance. A comprehensive early intervention system is an essential component of good discipline in a well-managed law enforcement agency.

1. The Charleston Police Department utilizes a computerized Early Intervention System that captures various indicators of behavior that will help the Department identify employees who may be considered at risk and who may require agency intervention efforts before a crisis occurs that could ruin a career and/or erode community confidence. Through the Internal Affairs Unit's Records Management System, the Department will have the ability to track these indicators and automatically provide notification of those employees engaging in potentially problematic behavior before they result in improper performance or conduct.
2. The Early Intervention System is under the purview of the OIA. The Internal Affairs Lieutenant will be designated as the System Administrator.
3. The Early Intervention System tracks selected incidents that will be used as performance measures and will include, but not be limited to citizen complaints, internal investigations, vehicle pursuits and use of force incidents as reported in accordance with the provisions of this policy, as well as the Use of Force and Vehicle Pursuit Policies.
4. The Records Management System's early intervention functionality is based on alerts. System alerts are triggered by linking an employee to an incident. When the numbers of incidents exceed thresholds that have been set by the System Administrator, the Early Intervention System is triggered and an alert associated with the employee is activated. The cumulative threshold levels for the combined incidents will be periodically reviewed and assessed for effectiveness at least annually.
5. The System Administrator will have the capability of adjusting the threshold levels as needed. Reaching a particular threshold level is not an indication of guilt on the part of the employee. The threshold alert is merely a mechanism designed to allow the Department to conduct a closer inspection of potentially problematic behavior on the part of the employee and attempt to develop strategies for intervention to address the existing issues.
6. This system has the capability of tracking incidents based on the employee's role as supervisor. Reports can be generated indicating the number of incidents that are linked to involved employees assigned to a particular supervisor during a defined time period, thus identifying supervisors who have an unusual number of employees demonstrating performance difficulties. Supervisors can then identify subordinate supervisors who demonstrate patterns of leadership that may call for intervention. Additionally, superiors may require greater accountability from those supervisors in an effort to reduce the number of employees needing assistance.
7. Interventions available to the employee include, but are not limited to, remedial training, EAP, Peer Support and Counseling as outlined in policy. When an alert has been generated, the System Administrator or designee will conduct a comprehensive review on the involved employee utilizing and analyzing relevant information and documentation.

If the supervisor or commander upon reviewing the alert determines that the employee requires assistance, they will take the follow steps;

When the employee receives one (1) alert where the employee's actions are found to be inconsistent with department policy over a twelve-month period, the involved employee, first-line supervisor, and commander will take the follow steps:

1. The first-line supervisor and commander will be required to have a face to face meeting with the employee.
2. During these meetings the employee's behavior in each incident should be reviewed.
3. Recommendations will be made by the first-line supervisor as to what action will best improve the employee's behavior. These recommendations are made to help prevent the employee from reaching the next threshold within the system and triggering future alerts.
4. The meetings will also be documented by the first-line supervisor in the "Action(s) taken in response to" section of the alert. This will include the identified behavior and recommended action to be taken.

If the employee receives two (2) alerts, where the employee's actions are found to be inconsistent with department policy over a twelve-month period, the involved employee, Commander and their Division Commander will take the follow steps:

1. The employee's Commander and Division Commanders will be required to have a face to face meeting with the employee.
2. During these meetings the employee's behavior in each incident will be reviewed.
3. Recommendations will be made by the employee's Commander as to how the employee can improve their behavior (i.e. Improvement Plans or EAP). These recommendations are made to help prevent the employee from reaching the next threshold within the system and triggering future alerts.
4. The meetings will also be documented by the first-line supervisor in the "Action(s) taken in response to" section of the alert. This will include the identified behavior and recommended action to be taken.

After the employee receives three (3) alerts, where the employee's actions are found to be inconsistent with department policy over a twelve-month period, the involved employee's senior commanders (Captain and Deputy Chief) will take the follow steps:

1. The Commanders (Captain and Deputy Chief) will be required to have a face to face meeting with the employee and discuss the employee's previous incidents that triggered the alert.
2. During these meetings the employee's behavior in each incident will be reviewed.
3. Recommendations will be made by the Captain to the Deputy Chief to improve the employee's behavior.
4. If the employee has exhibited an extensive history with behavioral issues that have been documented through the Internal Affairs Unit or with the Department's personnel section, the Captain and Deputy Chief may take the appropriate actions to address the employee's behavioral issues to include recommendation of termination to the Chief of Police.

After the appropriate intervention, the immediate supervisor should continue to monitor the involved employee's performance and document any additional actions taken to correct those behaviors found to be contrary to the Department's values and mission statement. These actions may require the supervisor to complete an additional Employee Feedback, Supervisor Complaint Intake or refer additional incidents to OIA.

10.16 RECORDS SECURITY (CALEA 26.1.8, 26.2.2)

OIA will maintain copies of all administrative investigations and disciplinary actions. These records will be indexed and securely stored, with strictly controlled access by only Internal Affairs' employees and affected command staff and Department Records custodian staff. Records of administrative investigations are privileged but are subject to disclosure with subpoenas and under the Freedom of Information Act.

All completed investigations will be retained throughout the employee's career. Upon leaving the City of Charleston, the employee's Internal Affairs' file, case, and/or investigation will be transferred to his/her personnel file and retained for a period of ten (10) years after leaving the department.

10.17 PUBLIC INFORMATION ON COMPLAINT PROCEDURES (CALEA 26.2.4)

OIA is responsible for the publication and dissemination of "Commendation or Complaint - How to Provide Comments about the Quality of Service Delivery by Your Police Department." Copies of this informational brochure on the procedures for commending or complaining about the services provided by Charleston Police Department personnel will be available in public areas of Department buildings. OIA will also maintain a webpage accessible to the public that provides a forum for frequently asked questions about the complaint process and a means to file a complaint online.

10.18 ANNUAL STATISTICAL REPORTING (CALEA 26.2.5)

The OIA Lieutenant or his designee will compile a statistical summary of the complaints filed and investigated on employees throughout the department. This information will be made available to the public and departmental employees through the agency Public Information Officer.

APPENDIX 1

Class "A" Administrative Offenses

The following is a list of Class "A" Offenses. Class "A" offenses will be referred to and investigated by the Internal Affairs Unit. This is not an all-inclusive list.

Class "A" Offenses:

1. **Corruption**
2. **Brutality**
3. **Excessive or Misuse of Force**
4. **Breach of Civil Right**
5. **Criminal Misconduct**
6. **Discharge of Firearms**
7. **Prisoner death, suicide attempts, or serious injury**
8. **Department Vehicle accidents involving death, property damage exceeding $5000.00**
9. **Sexual Harassment**
10. **Bias Based Profiling**
11. **Courtesy and Customer Service**
12. **Failure to Act or Render Assistance**
13. **Failure to Comply with Drug & Alcohol Testing**
14. **Failure to Follow Computer Security Protocol**
15. **Failure to Report Violations of the Law**
16. **Failure to Supervise**
17. **Hostile Work Environment**
18. **Improper Entry to Land/Structure**
19. **Improper Evidence/Property Handling**
20. **Improper Handling of City Funds**
21. **Improper Search/Search Procedures**
22. **Improper Stop/Detention/Arrest**
23. **Insensitivity (Racial, Cultural, Handicap)**
24. **Improper Weapons Handling**
25. **Improper Prisoner Security**
26. **Insubordination**
27. **Misuse of Sensitive Information**
28. **Truthfulness**
29. **Any offense not listed which are serious enough to damage the reputation of the department or personnel**

APPENDIX 2

Class "B" Administrative Offenses

The following is a list of Class "B" Offenses. Class "B" offenses will be referred to IAU but may be investigated by the employee's Lieutenant or designee. This is not an all-inclusive list.

Class "B" Offenses:

1. **Abuse of Break or Meal Privileges**
2. **Failure to Attend Court or Assignment**
3. **Failure to File Internal Report**
4. **Failure to Notify Supervisor**
5. **Failure to Report Collision/Loss/Damage**
6. **Dispatch and Radio Violations**
7. **Failure to Take Report/Improper Documentation**
8. **Failure to Use Tactics as Trained**
9. **Failure to Use Video Recording Equipment (Body or In-Car)**
10. **Improper Uniform or Grooming**
11. **Improper Use/Notification of Leave**
12. **Improper Vehicle Operation**
13. **Improper Identification/Disengagement**
14. **Improper or Inadequate Investigation**
15. **Inaccurate or Incomplete Document**
16. **Improper Prisoner Search/Handling**
17. **Inadequate Work/Job Task Performance**
18. **Inattention to Facility Security**
19. **Improper Tow/Inventory Procedures**
20. **Improper Vehicle Maintenance**
21. **Leaving Assigned Area or Post without Permission**
22. **Misuse of City Computer/Access**
23. **Tardiness**
24. **Misuse of City Vehicle, Equipment, or Resources**
25. **Off-Duty Employment Violations**
26. **Speeding**
27. **Any offense which is minor in nature and would not damage the reputation of the department or personnel**

APPENDIX 3

The matrix is considered a guideline and the Chief of Police has the discretion to deviate from the matrix as conditions and circumstances warrant.

Charleston City Police Department

DISCIPLINE MATRIX

All discipline is the prerogative of the Chief of Police who may deviate from this matrix as conditions and circumstances warrant.

DISCIPLINE TYPE	1st OFFENSE IN 2 YEARS Level	2nd OFFENSE IN 2 YEARS Level	3rd OFFENSE IN 2 YEARS Level
A A VIOLATION OF POLICY THAT DOES NOT INVOLVE MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE, AND HAD NO IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT. Offenses **MIGHT** include **BUT ARE NOT LIMITED TO**: Loss or damage of any property less than $500; preventable vehicle accidents with minor/no injury; rudeness; tardiness; missed court; failure to take a report or improper documentation; Improper identification/disengagement; speeding; or any minor policy violations	1	2	3
DISCIPLINE TYPE	**1st OFFENSE IN 3 YEARS Level**	**2nd OFFENSE IN 3 YEARS Level**	**3rd OFFENSE IN 3 YEARS Level**
B A VIOLATION OF POLICY THAT DOES NOT INVOLVE MISUSE OF AUTHORITY OR AN ETHICAL OFFENSE, AND/OR HAS A MINIMAL ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT. Offense **MIGHT** include **BUT ARE NOT LIMITED TO**: Loss or damage of any property over $500; preventable vehicle accidents with significant injuries; improper application of less lethal force with no or minor injury; unauthorized leave; sleeping on duty; improper evidence handling or prisoner property; failure to use body camera or in-car camera; Improper search of person or vehicle; improper stop/detention/arrest; Internet/social media violations. **NOTE: <u>There is no minimum sanction for first offense Type B</u>**	2	3	4
DISCIPLINE TYPE	**1st OFFENSE IN 5 YEARS Level**	**2nd OFFENSE IN 5 YEARS Level**	**3rd OFFENSE IN 5 YEARS Level**
C A VIOLATION OF POLICY THAT INVOLVES A MISUSE OF AUTHORITY OR ETHICAL OFFENSE, AND/OR ONE WITH A CLEAR BUT NO CRITICAL ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT. Offenses **MIGHT** include **BUT ARE NOT LIMITED TO**: insubordination; unreasonable force with no injury; misdemeanor criminal conduct on or off duty **<u>not</u>** involving physical injury; threat of violence, or ethical misconduct (e.g, theft); failure to obey a lawful order; Bias-Based Profiling/Discrimination; Harassment of any kind; Associating with the Criminal Element; failure to comply with drug/alcohol testing.	5	6	7
D A VIOLATION OF POLICY THAT INVOLVES UNTRUTHFULNESS OR A MISUSE OF ABUSE OF AUTHORITY, OR AN ETHICAL OFFENSE THAT CREATES AND/OR POSES THE POTENTIAL FOR SERIOUS, VISIBLE ADVERSE IMPACT ON PUBLIC SAFETY OR THE PROFESSIONAL IMAGE OF THE DEPARTMENT. Offenses **MIGHT** include **BUT ARE NOT LIMITED TO**: untruthfulness, excessive force with injury or against a restrained or incapacitated person; improper application of deadly force, felonious acts on or off duty, loss of POST certification, misdemeanor criminal conduct involving physical injury, violence, sexual offenses or ethical misconduct.	7		

* = A fourth or subsequent offense for a Type within the identified time frame causes the Level to progress to the next higher sanction. Time frames start upon discovery of the incident.

Charleston City Police Department

LEVELS OF DISCIPLINE

DISCIPLINE LEVEL	MINIMUM SANCTION	(All discipline starts here) PRESUMPTIVE SANCTION	MAXIMUM SANCTION
1		**CORRECTIVE ACTION**	WRITTEN REPRIMAND
2	CORRECTIVE ACTION	**WRITTEN REPRIMAND**	1 DAY SUSPENSION
3	WRITTEN REPRIMAND	**1 DAY SUSPENSION**	2 DAY SUSPENSION
4	2 DAY SUSPENSION	**3 DAY SUSPENSION** **(Demotion is possible at the discretion of the Chief of Police)**	4 DAY SUSPENSION
5	3 DAY SUSPENSION	**4 DAY SUSPENSION** **(Demotion is possible at the discretion of the Chief of Police)**	6 DAY SUSPENSION (Possible Termination)
6	6 DAYS SUSPENSION	**8 DAY SUSPENSION** **(Demotion is possible at the discretion of the Chief of Police)**	10 DAY SUSPENSION (Possible Termination)
7		TERMINATION (Letter sent to Academy)	

Corrective Action Options: Mediation, Retraining, Employee Feedback, Verbal Counseling, and Employee Assistance Program. This list is not all inclusive and may include any action other than formal discipline.

*Some incidents may result in loss of off-duty privileges.
**Some incidents may include Loss of take home vehicle for 1 year.
***Retraining may be added to any level of discipline.