

**BILL NO.:** 4554

**ORDINANCE NO.:** \_\_\_\_\_

**Introduced by: Council Present**

**AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #45 “INTERNAL AFFAIRS INVESTIGATION” POLICY**

**WHEREAS,** The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

**Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri,** as follows:

**Section 1** The City of Berkeley, Missouri, Council hereby adopts the attached Internal Affairs Investigation Policy in compliance the CALEA standards.

**Section 2** The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 17<sup>th</sup> day of July 2017

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Theodore Hoskins, Mayor


ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	<b>BERKELEY POLICE DEPARTMENT GENERAL ORDER</b>	<b>GENERAL ORDERS: 45</b>
<b>INTERNAL AFFAIRS INVESTIGATION</b>		
ISSUE DATE: 6/22/17	EFFECTIVE DATE: 8/21/2017	DISTRIBUTION: ALL PERSONNEL
		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 26.2.1, 26.2.2, 26.2.4, 26.3.2, 26.3.3, 26.3.5		NUMBER OF PAGES: 3

**PURPOSE:** The purpose of this directive is to establish guidelines and procedures for the department's internal administrative investigation process. This directive applies to all members.

**POLICY:** It is the policy of the Berkeley Police Department to promptly investigate all allegations of member misconduct in a thorough and expeditious manner to ensure the integrity of the Department and its members. The Department will maintain an internal system where-by this is accomplished.

**DEFINITIONS:**

*Administrative Investigation* – The investigation of complaints alleging a violation of department administrative rules, orders, directives, or procedures by department members.

*External Complaint* - All complaints originating from sources outside the Police Department, regardless of severity.

*Miscellaneous Complaints* - A class of complaints against the agency or its employees that are of a minor nature and/or do not justify formal review by the chain of command.

**PROCEDURES:**

**COMPLAINT INVESTIGATION [CALEA 26.2.1]**

- A. The Berkeley Police Department will investigate all complaints, including anonymous complaints, against the Department and/or its members.
- B. Department Employees shall take proactive steps to identify and prevent inappropriate behavior. If inappropriate behavior is observed, the employee shall notify their supervisor.
- C. Each employee has the duty to assist the public with complaints of employee misconduct or of Department operations and to do so in a courteous and willing manner.
- D. Department Supervisors - If requested by a complainant, an on-duty supervisor shall promptly respond to an incident when informed that a person is making a complaint alleging improper conduct. If the involved employee's supervisor is not immediately available, that employee's commanding officer should be contacted. In the event the

commander is not available, the first available supervisor within their line of authority will respond to address the complaint. Every effort will be made to expedite recording the complaint and avoid delays. If a supervisor, for some reason, cannot respond, the employee who is contacted will provide a set of complaint forms to the complainant with instructions to mail them to the Internal Affairs Unit.

- E. After discussing the matter with the complainant, if the matter is not resolved, the supervisor shall provide the complainant with a Complaint Form. The supervisor will refer all unresolved complaints to the Internal Affairs Unit for investigation. Complaints of a serious nature, such as corruption, excessive force, criminal in nature, etc., require supervisors to immediately notify the Chief of Police. [CALEA 26.3.2]
- F. The Internal Affairs Unit is a component of the Office of Professional Standards. The Officer in Charge of the Office of Professional Standards (OIC/OPS) is the Chief of Police which is directly responsible for the management of the internal administrative investigation process. [CALEA 26.3.2]

#### **RECORDS, MAINTENANCE AND SECURITY [CALEA 26.2.2]**

- A. The Internal Affairs Unit is responsible for recording, registering, and controlling the administrative investigation of all complaints against the Department and/or its members. The Internal Affairs Unit will maintain a confidential file system. The Internal Affairs Unit shall maintain the integrity and confidentiality of all administrative investigation files and records.
- B. All members conducting administrative investigations are responsible for keeping all active complaints and related material confidential until the conclusion of the case. No material will be left unattended or in an unsecured location.

#### **REGISTERING A COMPLAINT/COMMENDATION [CALEA 26.2.4]**

- A. All citizens who seek to file a complaint will be directed to an on-duty supervisor or Internal Affairs to record the complaint. Members will be courteous and explain the complaint process to citizens in a professional manner. While the Department's preferred policy is to refer a complainant to an on-duty supervisor, all members shall provide a Complaint Form and complaint process brochure to any citizen if they request a complaint form.
- B. Employees must complete a Confidential Employee Feedback Form and submit it directly to the Office of the Chief of Police if they wish to register a complaint against a colleague.
- C. Members of the public or media may submit a complaint or commendation form directly to the Office of the Chief of Police.
- D. Complaints and commendations may be submitted in person at the Berkeley Police Department, by mail or by email.

**INVESTIGATION TIME LIMITS** [CALEA 26.3.3]

- A. The Internal Affairs Unit shall only conduct administrative investigations when authorized by the Chief of Police. The Internal Affairs Unit will not conduct criminal investigations.
- B. Serious complaints are referred to Internal Affairs for complete investigation depending on the nature of the allegation. "Serious complaints" include but are not limited to complaints of criminal conduct or corruption, excessive force, sexual harassment, moral turpitude, and breaches of civil rights. Allegations requiring investigations that are extremely lengthy, time consuming, involve multiple divisions/sections, or when other investigative resources are unavailable will be investigated by the Internal Affairs Unit.
- C. Supervisors assigned a case are to forward their findings to Internal Affairs for review within 20 calendar days, unless extended by the Chief of Police. Internal Affairs will review the report for sufficiency of investigation and then return the report for review by the member's entire chain of command.
- D. The Chief of Police should try to render a conclusion to complaints investigated by supervisors within 45 days of original receipt of the complaint.
- E. Cases investigated by Internal Affairs should be completed and forwarded to the designated Chain of Command for review within 60 calendar days unless a time extension is granted by the Chief of Police. The Chief of Police reserves the right to designate a Chain of Command other than the affected member's for the review.
- F. The Chief of Police should render a conclusion to complaints investigated by Internal Affairs within 90 days of the original receipt of the complaint.

**STATEMENT OF ALLEGATIONS/RIGHTS** [CALEA 26.3.5]

When a member is to be notified he/she has become the subject of an administrative investigation assigned to Internal Affairs, the subject member will receive a written statement of the allegations and the member's rights and responsibilities related to the investigation.

<b>DRAFTED BY:</b> Eye-Liza Conner	DATE: 5/26/17
<b>BY ORDER OF:</b> <b>ART JACKSON</b> <b>INTERIM CHIEF OF POLICE</b>	DATE: 5/29/17
<b>APPROVED BY:</b> Public Safety Committee	DATE: 6/22/17
<b>APPROVED BY:</b> Berkeley City Council	DATE: 8/21/17

## Law Enforcement Oath of Office

*I, do solemnly swear (or affirm) that I possess all the qualifications prescribed by the Charter for the office of POLICE OFFICER of the City of Berkeley, Missouri and that I will support the constitution of the United States and the Constitution and Laws of the State of Missouri, and the Charter and Ordinances of the City of Berkeley, and that I will faithfully perform and discharge the duties of the office to which I was appointed.*

## Internal Affairs Unit

The Internal Affairs Unit is responsible for receiving, processing, assigning and supervising the investigation of any alleged misconduct or criminal conduct against any Member of the Berkeley Police Department. The Internal Affairs Unit ensures that all allegations are investigated thoroughly and objectively.

## Questions or Recommendations

The Berkeley Police Department is committed to providing exceptional police service to our community. Citizen cooperation and input is essential for the Department to succeed in this goal.

If you have any questions or recommendations on how the Berkeley Police Department can improve your police service, please call the Office of the Chief of Police at 314-524-3311 or mail correspondence directly to the Chief of Police at:  
8340 Frost Ave., Berkeley, Missouri 63134.

## Citizen Complaint Process

The Police Department's foremost obligation is to always be responsive to the needs of the community, residents and business owners of the City of Berkeley by providing protection, service, assistance, investigation of crimes and the maintenance of law and order.

A citizen complaint, and its subsequent investigation, causes police to examine the service that we provide to our community and to make necessary improvements in the way that we provide services.

Community policing depends on a working partnership between the police and the citizens we serve. We would rather not get to know our citizens as crime victims or as complainants. When problems arise, our goal is to resolve the issue quickly and courteously.

If you have a complaint, you can fill out the complaint form and either mail it or drop it off at the Police Department.

Each complaint will be investigated and appropriate follow-up actions taken. You will be informed periodically of any updates or the results of the investigation initiated by your complaint.

Please call the police department at 314-524-3311 if you have any questions or need assistance filling out the form.

Thank you for taking your time to let us know how the Berkeley Police Department can improve the service we provide to our community.

Art Jackson  
Interim Chief of Police

# Berkeley Police Department Complaint Brochure



**Art Jackson**  
**Interim Chief of Police**  
**Berkeley Police Department**  
8340 Frost Ave.  
Berkeley, MO 63134

**(314) 524-3311**  
[www.cityofberkeley.us](http://www.cityofberkeley.us)

## How does the Police Department receive complaints?

Citizens can call the police department at 314-524-3311, write a letter to Internal Affairs or the Chief's Office, stop by the Police Department and talk to an officer or supervisor, or fill out a Complaint Form (available at the Police Department) and mail it back to Internal Affairs.

## What does Internal Affairs do with the complaint?

The Internal Affairs Unit is responsible for recording, registering, and controlling the administrative investigation of all complaints against the Department and/or its members.

- The Internal Affairs Unit shall maintain the integrity and confidentiality of all administrative investigation files and records.

The IAU determines how the case will be processed/investigated in one of four ways:

- Investigates the complaint thoroughly.
- Refers it to the Chief of Police for criminal investigation.
- Declines to look into the matter further. If, in the initial stages of the investigation, it is determined that the allegation is obviously false, involves another agency, or is without merit, the case will not be investigated further.
- Assigns it back to the division involved. The division supervisor will investigate and contact the complainant to report the results.

## How are cases reviewed for completeness?

After a case has been investigated and reviewed, it is given one of four classifications. The classification given is known as the *finding*.

### **Sustained:**

The officer who is the subject of the complaint was found to be in violation of department policy or procedure.

### **Exceptionally Cleared:**

The Department is unable to investigate the matter due to:

1. the failure of the complainant to cooperate with the investigation;
2. the unavailability of the complainant (death, relocation, etc);
3. the departure of subject officer;
4. other circumstances that prevent the department from investigating a complaint;
5. Policy Failure—a flaw in policy was responsible for the incident.

### **Exonerated:**

The actions of the officer who is the subject of the complaint were within the guidelines of department policy and procedures. The incident occurred, but was lawful and proper, or was justified under the existing conditions.

### **Unfounded:**

The complaint is false. Based on the facts of the investigation, there is no basis to the allegation.

## When does the Police Chief review cases?

The Chief of Police reviews **all** Internal Affairs investigation reports to assure the results are complete and fair.

The Chief also determines what appropriate action should be taken based upon the results of the investigation. If a complaint is sustained, he decides what disciplinary actions are required.

When the complaint file is closed, the reports are kept in the office of the Chief and kept confidential within the limits of the Missouri Sunshine laws.

## How are the people involved notified?

The complainant is notified by letter of the results and findings of the investigation, and how to appeal the decision to the Chief of Police. The officer involved and the officer's supervisor receive a copy of the letter sent to the complainant that describes the results and findings of the investigation. The employee involved can also appeal the disciplinary action.

*This brochure is a summary of police department policies and general orders; it is not a complete account of the investigation, discipline, and appeal process. For clarity, the term "officer" was used. Complaints can be filed and processed on actions by any employee of the police department.*

**BERKELEY POLICE DEPARTMENT  
CITIZEN COMPLAINT AGAINST A POLICE OFFICER OR EMPLOYEE**

<b>NAME OF COMPLAINANT</b>	<b>ADDRESS</b>	<b>HOME PHONE</b>
<b>PLACE OF EMPLOYMENT</b>	<b>BUSINESS ADDRESS</b>	<b>BUSINESS PHONE</b>
<b>NAME OF WITNESS</b>	<b>ADDRESS</b>	<b>HOME PHONE</b>
<b>NAME OF WITNESS</b>	<b>ADDRESS</b>	<b>HOME PHONE</b>
<b>DATE/TIME OF ALLEGED INCIDENT</b>	<b>LOCATION OF ALLEGED INCIDENT</b>	
<b>NAME OF OFFICER(S) INVOLVED, IF KNOWN BY THE COMPLAINANT</b>		

Please use the reverse side of this form to give details and why you are making this complaint against a member of the Berkeley Police Department. Additional sheets may be used if needed. Return this completed form to the Berkeley Police Department at 8340 Frost Ave., Berkeley, MO 63134. An investigator will contact you to follow-up with this complaint.

**\*\*\* BERKELEY POLICE USE ONLY \*\*\***

<b>Officer Receiving Complaint</b>	<b>Date and Time Complaint Was Received</b>
<b>Complaint Number</b>	<b>Name and Rank of Officer Involved (If known)</b>

I have received the complaint and have forwarded it to the Internal Affairs Unit.

**SIGNATURE OF SHIFT COMMANDER:**

**DATE OF REVIEW:**

**INTERNAL INVESTIGATION**

<b>NAME OF INVESTIGATING OFFICER</b>	<b>Date Received</b>
<b>SIGNATURE OF INVESTIGATING OFFICER</b>	<b>Date Completed</b>
<b>INVESTIGATION TURNED OVER TO (AGENCY)</b>	<b>Date of Transfer</b>
<b>RESULTS OF OTHER AGENCY INVESTIGATION</b>	<b>Date Completed</b>

I (  ) AGREE (  ) DISAGREE WITH THE RESULTS OF THIS INVESTIGATION.

**SIGNATURE OF THE CHIEF OF POLICE:**

**DATE:**





