



Division 12

Inspections and Investigations

Chapter 11 – Internal Affairs and Departmental Investigations

January 2009

POLICY

This General Order shall set forth guidelines to ensure prompt and thorough investigations of allegations, determine if an alleged infraction did occur and if disciplinary action is warranted.

The following policy applies to all employees/members of the Prince George's County Fire/EMS Department, and is an effort to maintain the integrity of the Prince George's County Fire/EMS Department as well as the safety of the public and members of the Department.

DEFINITIONS

N/A

PROCEDURES

1. Duties and Responsibilities

The Internal Affairs Unit, or assigned Investigator working internal investigations under the authority of the Fire Chief, shall conduct investigation of allegations of misconduct by employees/members of the Department, which may include, but are not limited to:

Those actions of an employee/member which appears to be in violation of the Federal, State, and County laws; Fire/EMS Departmental Policy and Procedures (e.g., General Orders and Career Services Directives) may result in fines, suspension, demotion, or dismissal.

The Internal Affairs Investigator may conduct an internal affairs investigation only at the direction of the Fire Chief or designee. The Internal Affairs Unit may refer investigations to the Quality Assurance office, career/volunteer supervisors for actions as permitted by Departmental policy.

The Internal Affairs investigator designated by the Fire Chief shall maintain a confidential control log of cases handled by their section containing the following information:

- Date and nature of the complaint and date of occurrence
- Accused employee(s)/member(s)
- Control number (E- External Complaint or I- Internal Complaint)
- Investigator assigned
- Disposition

The Internal Affairs Investigator shall conduct all interviews at a reasonable hour, preferably while on-duty, unless the seriousness of the investigation requires immediate action.

The Internal Affairs investigator shall be responsible for the investigation involving the discharge of firearms by Departmental personnel.

Chain-Of-Command

The initiation of an Internal Affairs investigation will be authorized by the Fire Chief. The internal affairs investigator is responsible for ensuring that a complete and expeditious investigation of all cases referred to Internal Affairs is conducted.



The Fire Chief will have full and final authority and responsibility over all matters relating to an Internal Affairs investigation.

Confidentiality

The information pertaining to the Internal Affairs investigations file shall be considered confidential in nature and shall be protected from exposure to every extent permitted by law.

The confidentiality of such records not only protects the Department in civil litigation, but ensures the dignity of both employees/members and citizens.

The basis for such confidentiality may be found in Article 10, Section 616-618 of the Annotated Code of Maryland, 1957, editions as amended, as well as Section 203 of the Charter for Prince George's County, Maryland. Under both statutes, the internal investigations files are exceptions to public disclosure.

If any Internal Affairs record is removed from the file for any purpose, a photostatic copy of the same will remain in the Department's investigation file. The person removing the file will so indicate in memorandum form which will be placed in the case file.

Employee/Member

Employee/member must cooperate fully with personnel assigned to the Internal Affairs office, or other authorized personnel conducting Internal Affairs Investigations. Employee/member shall truthfully and promptly answer questions concerning performance of duty, adherence of Departmental procedures or suspected misconduct.

Any notifications to an employee/member to meet with an Internal Affairs Investigator is a direct order from the Fire Chief. Any employees/members who disobey a direct order to cooperate with the investigation may be operationally suspended and charged with insubordination.

The accused employee/member may be required to submit to fitness for duty examinations to include, but not limited to, mental and physical testing, urinalysis, blood alcohol and drug testing, as well as, voice analysis, handwriting analysis, photographs and line-ups. Consultation with the Fire Chief or the Deputy Fire Chief will be required before testing.

Criminal Activity

When it appears that a complaint or misconduct involving an employee/member is possibly a criminal violation, the appropriate police agency will be notified.

The Internal Affairs Investigator will maintain liaison with the Office of the State's Attorney and the appropriate police agency investigating the criminal activity.

Information from criminal, as well as administrative investigations will remain strictly confidential and disseminated on a need-to-know basis.

Administrative violations are investigated and determined through circumstantial evidence. An investigation can be easily transformed from a criminal to an administrative issue rather than vice-versa. Therefore, when an allegation of criminal activity is received, it should be handled as such until proven otherwise.

Disposition of Investigation



Upon completion of an Internal Affairs investigation, the findings shall be classified in the following manner:

- Exonerated: The alleged incident did occur, but the actions of the employee/ member were justified, legal and proper
- Sustained: The investigation disclosed sufficient evidence to prove the allegations
- Not Sustained: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation(s)
- Unfounded:
 - The alleged incident did not occur; or
 - There is insufficient information to conduct a meaningful investigation

A final report must be compiled when the Internal Affairs Investigator has completed the investigation. The report must include the following:

- A summary of events and factual findings
- Classification of the findings (exonerated, sustained, not sustained or unfounded)
- When sustained, the policy violated and the nature of the violation or misconduct

NOTE: This report shall be completed within approximately 30 days. **Any extensions to the investigation need to be in writing and approved by the Fire Chief.**

Results of the Internal Affairs investigation will be released only to the following:

- Fire Chief and/or designee
- The respondent and complainant

outlining final disposition only

All disciplinary action(s) as a result of an internal investigation will be handled as outlined in the Prince George's County Fire/Emergency Medical Services Reference Manual for Disciplinary Procedures.

REFERENCES

N/A

FORMS/ATTACHMENTS

Attachment #1- Prince George's County Fire/EMS Department Duress Statement

**PRINCE GEORGE'S COUNTY FIRE/EMS DEPARTMENT
DURESS STATEMENT**

Date: ___ / ___ / ___ Starting Time: _____ Stopping Time: _____

To: _____
Title /Name/ID Number

Re: Interrogation Relative to Internal Affairs Investigation
Incident #/CCN: _____

This serves as notification that an investigation is being conducted concerning your actions of _____, on/about ___ / ___ / ___ at _____ hours. You are alleged to have _____.

I, _____, am conducting an investigatory interview about your performance of duties, actions, and/or fitness for office on or about the stated time and date. The investigatory interview is being conducted at _____.

The people present are _____.

I order you to give a statement and answer all questions relating specifically, directly, and narrowly to your performance and conduct or fitness for office. Your statement and answers cannot be used against you in criminal proceedings but may be used against you in administrative proceedings. The Special Operations Deputy is the officer in charge of this investigation. Your statement is a duress statement considered to have been made under my direct order.

Respectfully,

Received: _____

Date/Time: ___ / ___ / ___ _____ hours Witness: _____