

Police Department

LOB #197:

INTERNAL AFFAIRS BUREAU

Purpose

Integrity, professionalism, and courtesy are cornerstones of the Department. The Internal Affairs Bureau is charged with promoting these ideals through impartial and thorough investigations of alleged employee misconduct, proactive inspections for policy compliance, and adherence to both state and national accreditation standards. In addition, the Internal Affairs Bureau is also responsible for responding to Freedom of Information Requests (FOIA), responses to subpoena duces tecums, processing and serving subpoenas, and providing investigative support for the Office of the County Attorney for lawsuits involving the Department and employees who might be sued as the result of their performance of duty.

Description

The Internal Affairs Bureau is comprised of both the Inspections Division and the Investigations Division. The Bureau is overseen by a Major who reports directly to the Chief of Police. The Major has an administrative assistant who helps manage logistical needs and the day to day administrative needs of the Bureau. The Investigations Division is commanded by a Captain and has seven supervisory detectives (five Second Lieutenants and two Sergeants) as well as one administrative assistant who assists the detectives with administrative matters and transcription of recorded statements. The Inspections Division is commanded by a First Lieutenant. It is supported by one second lieutenant, three management analysts, and one administrative assistant. There are also four volunteers whose total hours of service equal that of a full time employee. These volunteers support both Divisions within the Bureau.

The Investigations Division is responsible for investigating serious or complex allegations against employees generated from within the Department or from outside sources. These complaints usually involve allegations of criminal misconduct or serious violations of Department policy. In addition, the Investigations Division is responsible for investigating all employee uses of force involving the use of firearms, or any other use of force where there is death or serious injury to the party subjected to the use of force. Minor allegations involving complaints of minor misconduct or where *de minimus* injuries occur during a use of force encounter are investigated at the employee's command level. However, the Internal Affairs Bureau is responsible for managing and overseeing the end product of those investigations for consistency and fairness to employees, the complainants, and the community.

The Investigations Division is responsible for ensuring complete and thorough investigations of all cases within 60-90 days. Upon completion, a thoroughly documented case file is forwarded to the investigated employee's commander for review. The Investigations Division also identifies potential training needs through the course of administrative investigations and civil actions directed at the Department. The recommendations are forwarded to the Director of the Fairfax County Criminal Justice Academy for evaluation and incorporation into recruit and in-service training.

The Inspections Division conducts reviews of Department policies, procedures, and operations. Inspections often require on-site visits to police facilities and observations of operations and performance. Once an inspection is completed, the Inspections Division prepares a report for the Chief of Police and makes recommendations to the affected commander for improvement. The Inspections Division is also tasked with assuring that requests under the Virginia Freedom of Information Act are completed according to law. New to the Inspections Division has been the oversight of both state level and national accreditation of the Department. Additional duties and responsibilities of the Inspection Division include collecting and analyzing the data and trends associated with employee misconduct, use of force, and police related wrecks. The Division provides specific analytical reports on demand as well as an annual report for publication and distribution to the public.

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This Bureau also assists the County Attorney's Office in the discovery and development of information pertinent to lawsuits, as well as in the processing and service of legal documents on affected employees. In addition, the Internal Affairs Bureau is responsible for coordinating with the County Attorney's Office in matters of disciplinary action and in facilitating the disciplinary appeal process, or in some cases serving as the case litigator in pro se matters before a Trial Board or the Civil Service Commission. Finally, the Internal Affairs Bureau acts as a liaison with the Office of Equity Programs for matters involving allegations of unlawful discrimination.

Benefits

The function of this Bureau preserves the integrity of the Department and fosters trust in the workforce, the other County agencies, and all aspects of the community served. Further, work of the Bureau ensures there will be a well-trained and disciplined work force while simultaneously defending the reputation of the Department and the County from unjust complaints and frivolous lawsuits. The Bureau also ensures that policies are updated according to best practices and are in compliance with both state and national accreditation standards which acts as a prophylaxis against complacency.

Mandates

The Law Enforcement Procedural Bill of Rights located in Chapter 9 of the [Code of Virginia](#) mandates how police departments conduct internal investigations as performed by Internal Affairs as well as the disciplinary process which is overseen by the Internal Affairs Bureau. While there is no statutory mandate for a police department to become either state or nationally accredited, those levels of accreditation reinforce to the community that their police department maintains the highest levels of professionalism and dedication to duty which enhances trust in the community. The functions and requirements of FOIA are mandated by Virginia Code § 2.2-3700(B).

Trends and Challenges

Policing post 2014 has changed drastically based upon the perceived abuse of power in use of force incidents against members of minority communities. This has led to significant requests for additional oversight and more intense scrutiny of police departments. The Fairfax County Police Department has not increased its Investigations Division Staff since 2002. The seven investigators cannot keep up with the increase in workload and as such many cases take much longer than the 60-90 day timeline for investigation completion.

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Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
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FUNDING			
<u>Expenditures:</u>			
Compensation	\$1,528,597	\$1,840,200	\$1,610,656
Operating Expenses	26,190	25,205	25,842
Total Expenditures	\$1,554,787	\$1,865,405	\$1,636,498
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$1,554,787	\$1,865,405	\$1,636,498
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	16 / 16	16 / 16	17 / 17
Total Positions	16 / 16	16 / 16	17 / 17

Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Investigations Involving Complaints	482	569	626	688	757

Total department internal investigations involving complaints have trended up. Based upon the historical events that occurred in both FY 2014 and FY 2015 leading to calls for more scrutiny and oversight by the public, it is anticipated complaint totals will continue to increase.

Likewise there has been more litigation directed at law enforcement in recent years which also affects case and workload of both detectives and the FOIA specialists.