Background

This audit was an evaluation of the Fairfax County Police Department’s (FCPD) administrative investigation process and the Internal Affairs Bureau (IAB). The evaluation was requested by the chief of police, and subsequently endorsed and directed by the Board of Supervisors. The department has allocated resources to perform the internal administrative investigation function with seven sworn personnel in the Internal Affairs Bureau. The department has a force of approximately 1360 sworn officers and an additional 352 non-sworn for a total of 1712 personnel.

In 1996, the FCPD became the first police agency to be accredited by the Virginia Law Enforcement Professional Standards Commission (VLEPSC). The department was successfully reaccredited in 2000, 2005, and 2009, and intends to have a fifth assessment in 2013. The Virginia Law Enforcement Professional Standards Commission maintains an accreditation program for Virginia law enforcement agencies that currently has eighty-five accredited agencies. This accreditation is based on a program manual comprised of 187 standards. Those standards cover the following major law enforcement categories: administration, operations, personnel, and training.

The department has an administrative investigation process in place to ensure that complaints are fully investigated and the results are communicated to the complainants and the appropriate department managers. Complaints of serious misconduct and incidents of use of force involving firearms are investigated by the department’s IAB, while less serious allegations and citizens’ complaints of dissatisfaction of service are typically investigated by police staff at the appropriate district station or division where the alleged incident took place. In the past three years the IAB has received and investigated 298 cases and overall the FCPD has investigated 1,254 non-IAB cases. For 2010 and 2011, FCPD IAB reported that cases had at least one sustained violation in 49% and 47% of the cases respectively.

A summary description of the FCPD’s internal administrative investigation process may be found at Appendix A of this report. A summary of our survey of other organizations’ internal affairs departments is in Appendix B. It was designed to gather best practices information and enable comparisons to peer organizations.

Executive Summary

This audit was performed as part of our fiscal year 2012 Annual Audit Plan and was conducted in accordance with generally accepted government auditing standards. Our audit focused on the FCPD’s administrative investigation process, including a review of the thoroughness and timeliness of the investigative steps performed; and how well the investigations were documented and final dispositions were substantiated. Our audit also evaluated the strength of the county’s administrative investigation process against peer jurisdictions and best practices.
We found that the IAB process was supported by the following key elements and controls:

- Thorough policy and procedure guidance for investigations
- Multiple levels of supervision, review, and approval
- A periodic rotation of personnel through the IAB to facilitate education and compliance across the department
- An open and unrestricted intake process to enable citizens to bring concerns to the proper authorities
- Training for IAB personnel to develop investigative expertise
- An automated system called IAPro used to record and track cases
- Formal notification of investigation results to the complainants and department members

The FCPD’s internal administrative investigations were effective, well-documented, and the investigative steps performed were reasonably thorough and in compliance with the department’s policies and standards. We also found that the final conclusions and dispositions were reasonable and well-supported. The investigations were completed in a timely manner; and all investigations assigned an IAB case number were reviewed by several levels of management within the department, including review by the applicable district station or division commander, bureau commander, IAB division and bureau commander, and also by a deputy chief of police and chief of police, or their designees.

The FCPD’s General Orders and Standard Operating Procedures (SOPs) for administrative investigations were reasonably detailed and sufficiently documented. The department’s policies and procedures for internal administrative investigations generally included most of the best practices associated with the internal affairs function, with one notable exception: the FCPD did not utilize an early identification system or formal monitoring process to identify, train and work with members for whom data indicators suggest a relatively high number of complaints, or other patterns of behavior, which should be reviewed. However, management has advised and is taking steps to establish the Early Identification System (EIS) using IAPro, beginning July 1, 2012. It is our understanding that the IAB will maintain the EIS and present a monthly report to the chief of police and deputy chiefs of police. This will be a preliminary implementation with future enhancements based on additional resources and data analysis.

The department’s internal administrative investigation process compared favorably to peer jurisdictions and best practices (see Appendix B for a summary and comparison). We received survey responses from 24 police and sheriff departments. Our analysis of these responses revealed that the policies and practices in place can vary significantly. However, in making these comparisons, we found that FCPD has generally met or exceeded most practices of peer organizations. An example of varying practices is the complaint in-take process. FCPD accepts all complaints, including anonymous submissions. We found that 21% of departments surveyed do not accept all forms of complaints. Overall, FCPD had a similar organization structure, was highly comparable and conducted business similarly to the majority of survey respondents. The county ratio of Internal Affairs investigators to sworn officers was 1 to 194 compared to an average of 1 to 146 for the respondents. The county performed independent reviews of the department compared to 42% of respondents that did not perform independent reviews; and the county
used a special investigative team for deadly force cases compared to 75% of the respondents that did not use special investigative teams.

We did note opportunities for improvement. The circumstances related to these recommendations were not material weaknesses in the performance of the investigation process. However, the first item (relating to the Early Identification System noted above) can enhance monitoring and the assessment of risks and is considered a best practice. The subsequent recommendations can contribute to the department’s efforts to maintain accurate records, maintain consistency, clarify definitions for investigation results, and demonstrate its commitment to quality service. The details are in our report under the heading Detailed Findings and Recommendations.

The following are areas identified for improvement:

- Management information capabilities of the IAPro system could be more fully utilized to implement an early identification system. This is a proactive approach to identifying trends and potential risks in the history of complaints by department member, station, shift, complaint type, etc. that would indicate potential job performance or management issues which could benefit from early intervention. The department is taking steps to establish the Early Identification System, using IAPro. We noted four instances of incomplete or missing Form PD206 documentation during our review of a sample of 50 PD206 forms. The PD206 (Initial Inquiry Form) is the standard document used when a complainant is dissatisfied with a department policy or action and there is no reasonable suspicion of employee misconduct.

- There were not sufficient controls to ensure compliance with the department’s policy that all PD206 forms are actually forwarded to central police management for review and data input into the department’s IAPro database. The FCPD has now implemented an internal tracking mechanism that includes the assignment of tracking numbers for PD206s.

- The FCPD did not have a consistent policy or practice regarding the use of “IA history reports.” We found that investigators assigned to IAB included a member’s prior IAB allegation and disposition history as part of the investigative file, while investigative staff at the district stations conducting administrative investigations usually did not.

- We noted twelve cases in our sample of internal administrative investigations we reviewed, performed by IAB, did not have a final disposition because it was an inquiry, but were instead noted as “Inquiry Only.” The IAB can improve consistency and usefulness of IAPro information if the department re-evaluates its definitions and use of the administrative investigation final disposition categories, particularly with the use of the “Inquiry Only” category. Management has drafted procedural updates to address the use of inquiry. Initial inquiry is defined as an investigation into the actions of an employee in which there is neither an allegation of wrongdoing nor any determined violation of law or department policy.
Scope and Objectives

This audit was performed as part of our fiscal year 2012 Annual Audit Plan and was conducted in accordance with generally accepted government auditing standards. Our audit covered both internal administrative investigations assigned an IAB case number conducted by IAB and the district stations or other division staff, as well as the investigations documented on the PD206. The audit covered the period of January 1, 2009, through December 31, 2011, with the exception of certain use of force investigations and a “high profile” police vehicle crash investigation, for which FCPD management requested we add to our initial audit samples, which had been randomly selected. These additional investigations reviewed went as far back as 2006. Our audit objectives were to:

- Evaluate the adequacy of the department's written administrative investigative policies and procedures, and compare to peer jurisdictions, as well as to best practices.
- Determine if the administrative investigations performed by the FCPD complied with internal policies and procedures, including documentation and supervisory review standards.
- Determine if the investigative steps performed by the FCPD were reasonable and sufficient; and that the conclusions reached and the final dispositions of the allegations were supported by sufficient evidence and documentation.
- Determine if the administrative investigations performed by the FCPD were completed in a timely manner.

Our audit did not include a review of the disciplinary process for complaints and allegations that were sustained, as the discipline measures assigned may be affected by the civil service hearing process, which is outside of the department’s sphere of control.

Methodology

Our audit approach included reviewing the policies and procedures for the FCPD’s internal administrative investigation process, and interviewing the management and staff of the IAB to obtain an understanding of the process and requirements. We identified best practices from internal affairs training obtained in preparation for the audit, the VLEPSC accreditation program, and a review of practices reported to us by the surveyed organizations. We performed analytical procedures on the case population data, and identified sub-populations of internal administrative investigations for which we planned and conducted specific audit tests. Our tests included reviewing all available case file documentation for selected administrative investigations, to verify whether the FCPD met the second, third, and fourth audit objectives listed in the Scope and Objectives section above. In some instances, we also met with IAB management to discuss cases to obtain clarification or further understanding of issues. To reach a conclusion for our first audit objective regarding adequacy of the department’s written administrative investigative policies and procedures, we compiled statistics based on the responses to our survey of peer
jurisdictions, and compared Fairfax County’s administrative investigation policies, practices, and statistics to the survey data.

Based on our risk assessment and evaluation of the investigative process, we divided the department’s administrative investigation cases into several different categories of audit sub-populations, and selected a separate audit sample for each of the sub-populations. The sub-populations distinguished by the Internal Audit Office consisted of: 1) PD206 complaints (mostly dissatisfaction of service complaints rather than allegation of wrongdoing); 2) Internal Affairs case numbers (other than vehicle crashes) investigated by Internal Affairs Bureau staff; 3) Internal Affairs case numbers (other than vehicle crashes) investigated out in the field by non-IAB staff assigned to district police stations or other non-IAB bureaus or divisions; 4) Internal Affairs case numbers pertaining to vehicle crashes, investigated by either IAB or non-IAB staff; and 5) “high profile” cases as mutually defined by the chief of police and the director of the Internal Audit Office.

The FCPD requested our office to include use-of-force shooting cases in addition to “high profile” cases. In all, our audit samples totaled 160 administrative investigations randomly selected for review, plus two judgmentally selected “high profile” and six judgmentally selected use-of-force shooting investigations. Internal Audit consulted with the County Attorney’s Office in regard to the list of cases to be examined and was advised in regard to cases in litigation or that may potentially be in litigation. Based upon advice from the County Attorney’s Office those cases were excluded from our audit sample.

We took steps to determine that the system controls over the department’s IAPro database system were effective in regard to our audit objectives. Our audit conclusions were supported by examined case files. Our audit did not examine the system controls over the department’s IAPro system.

The Fairfax County Internal Audit Office is free from organizational impairments to independence in our reporting as defined by generally accepted government auditing standards. We report directly and are accountable to the county executive. Organizationally, we are outside the staff or line management function of the units that we audit. We report the results of our audits to the county executive and the Board of Supervisors, and reports are available to the public.
Detailed Findings and Recommendations

1. IAPro Administrative Investigations Database and Tracking System Capabilities

We noted that some significant aspects of the functionality and capabilities of the FCPD’s IAPro system and database were not fully utilized. Specifically, the department was not using the IAPro system to fully monitor and identify trends or examine data for early identification and intervention actions. For example, trends may include volume of complaints, driving incidents, or various types of policy violations. While our discussions with IAB management indicated they were aware of trends in department activity and cases, we did not identify any formal program of monitoring IAPro data trends and indicators on a periodic basis. By not having a formal monitoring process in place, the department is relying on IAB managers’ and senior police managements’ individual knowledge and memory of Internal Affairs activity and trends. The FCPD did not run periodic reports from the IAB database on a monthly or quarterly basis for the department’s central management team, IAB staff, or for the station commanders and supervisors. We did note, however, that IAB volunteer staff prepared an annual report of Internal Affairs statistics, and also ran an “IA History” of each member for whom a complaint or allegation had been made against. Additionally, although the IAB utilizes the IAPro system to record and track summary information for both the Internal Affairs case numbers as well as the PD206 forms, the “IA History” reports, which were typically included in the files for administrative investigations assigned an IAB case number, did not include a department member’s PD206 complaint history.

The lack of formal monitoring program for data trends and potential risks was at least partly the result of the IAB not having sufficient IT resources and technical support for its IAPro system. Due to continued budgetary constraints, IAB has not been able to fill a vacant Management Analyst III position for several years. During this period, IAB has relied solely on two part-time volunteers to enter data and maintain the IAPro system.

Per discussion with management, IAB recognized the need for reports and an analyst to perform duties to strengthen monitoring capabilities. In 2011, two personnel from the Inspections Division of the IAB attended a conference regarding the IAPro system and its use in creating an early identification system (EIS). Management advised the Internal Audit Office and is taking steps to establish an EIS. This will be a preliminary implementation with future enhancements based on additional resources and data analysis.

**Recommendation:** We recommend a more formal approach to monitoring the Internal Affairs data trends and potential risks as a best practice in management oversight, and worthy of additional resources. Such monitoring would enable the FCPD to identify potential risk areas or department members that would benefit from early intervention and assistance, as a safeguard for the department and the public. The department should investigate the potential for allocating more
resources to fill the currently vacant Management Analyst III position in IAB, and utilize this position to assist in implementing the formal monitoring program. FCPD will need to determine the most effective scope and details of this data analysis and monitoring as they develop the capability.

We also recommend that IAB include prior complaints and investigations which were documented on the PD206 to be included in the IAB history reports.

**Management Response:** The Police Department has initiated an Early Identification System (EIS) to monitor Internal Affairs data trends and potential risks as a best practice in management oversight. The IAB is responsible for maintaining the EIS and for presenting a monthly report regarding department members who have met established thresholds for IAB reporting incidents in a pre-established time period. The monthly report includes a summary document of the events that triggered the member’s inclusion on the report. The monthly report is forwarded through the chain of command to the member’s division commander for review, and if necessary, appropriate intervention measures. The department recognizes the need to fill the vacant Management Analyst III position and this will be assessed as future funding becomes available.

FCPD General Order 301, Internal Investigations, was amended to clarify the appropriate use of the PD206. This revision restricts the use of the PD206 to complaints against a department member, which do not involve any allegation of wrongdoing or violation of policy, but are instead, an expression of dissatisfaction with the type or degree of service the complaining party received. As the PD206 will only be used as an expression of dissatisfaction with service, it will not contain the results of any complaints or investigations involving misconduct, and therefore, are not included in a department member's IAB history.

**2. Management Controls and Accountability for Forms PD206**

There were not sufficient internal controls to ensure compliance with the FCPD’s policy that all PD206 forms were actually being forwarded to central police management for review and data input into the department’s IAPro database. For example, the department did not use sequentially numbered PD206 forms to ensure the forms were not lost or remained undocumented in the IAPro database. Also, the PD206 forms were filed and retained only at the police district station where they were originally investigated. Consequently, we noted four instances of incomplete or missing PD206 documentation during our review of a sample of 50 PD206 forms.

During the course of the audit FCPD implemented an internal tracking mechanism that includes the assignment of IAB numbers for PD206s.

**Recommendation:** We recommend that the FCPD strengthen internal controls over PD206 documentation. The department should consider implementing the use of control numbers for the PD206. If it is not reasonably practical for the department to use a centrally assigned document number process for the PD206 similar to the
assignment of IAB case numbers, then the department should consider assigning a block of control numbers to each district station and division, with uniform controls over document numbers implemented at the district station level, and periodic central review and reconciliation of the document numbers performed by IAB.

Management Response: The Police Department has amended General Order 301, Internal Investigations, to require an Internal Affairs tracking number on all PD206s. The tracking numbers are assigned by the IAB and the PD206 is now required to be maintained indefinitely in the IAB. Prior to this General Order revision, the PD206 was maintained at the station/division level for a period of three years. In addition, the General Order revision also requires a bureau commander review of the Form PD206. Prior to this, the review was performed by station/division command.

3. Definitions and Use of the Final Disposition Categories

Upon conclusion of an internal administrative investigation, a final disposition category is supposed to be assigned to the case by police management. The standard categories used by the FCPD include: Sustained, Not Sustained, In Compliance, and Unfounded. Under certain circumstances, the department may also gather information for an incident in which no allegation of wrongdoing has been made, or else a complaint is made for which the offending department member(s) cannot be identified. In those situations, the department typically categorizes the investigation as “Inquiry Only,” and notes it as such in the IAPro system, rather than use of the standard final disposition categories.

However, we noted that fifty-eight internal administrative investigations out of 1,552 were categorized as “Inquiry Only” in the past three years. We reviewed twelve of the “Inquiry Only” cases as a part of our sample that were performed by IAB. Upon further review and discussion with IAB management, we found that although some of the cases marked “Inquiry Only” were appropriately so, there were several for which a final disposition category of either “Not Sustained” or “Unfounded” would have been more appropriate.

During the course of our audit, FCPD management took steps to draft a more comprehensive definition for use of “Inquiry Only.” Once completed, this updated definition will assist to clarify the department’s use of “Inquiry Only” for future use.

Recommendation: We recommend that IAB provide additional guidance and training to IAB staff and supervisors throughout the department regarding the updated definition and of use of the “Inquiry Only” classification.

Management Response: The Police Department has amended General Order 301, Internal Investigations, to provide a clear definition of the initial inquiry. Prior to this, no formal definition existed. The General Order also establishes the circumstances when the initial inquiry should be used in lieu of an administrative investigation.
Appendix A: Overview of the Police Department’s Internal Administrative Investigation Process

Note: The Fairfax County Police Department’s applicable policies pertaining to Internal Affairs and the administrative investigation process are detailed in the department’s General Orders, sections 301, 310.2 & 310.3.

There are two possible workflows for complaints against department members. First, those investigated by the Police Department’s Internal Affairs Bureau (IAB), and second, those investigated at the department’s various district stations or divisions.

Complaints initiated at the district/division level may be either investigated directly by first-line supervisors at the respective district/division, or be referred to the IAB to perform the investigation. Complaints initiated or received at a district/division level are reviewed by the station or division commander, and a decision is made as to whether a complaint should be investigated internally within the district station/division or referred to IAB.

- If the complaint is related to dissatisfaction with a department policy or action and there is no reasonable suspicion of officer misconduct, the complaint and action is documented on a form PD206 (Initial Inquiry Form).
- If the complaint is related to a serious allegation of employee misconduct or a violation of criminal law, the complaint is forwarded to IAB for investigation and assigned an IA case number.
- If the allegation is a violation of criminal law, then a separate criminal investigation is launched and a separate administrative investigation is conducted by IAB after the criminal investigation is completed.

All allegations of misconduct rising to the level of an administrative investigation are assigned an IA case number. All PD206 forms are required to be forwarded by the district stations and divisions after review by the bureau major, to the IAB, where they are assigned an IAB tracking number and entered into IAPro. This is to ensure that the department has a central repository of all expressions of dissatisfaction of service or policy rendered by members of the department.

The district station or division commander is routinely the principal reviewer of the investigation files, and the one who recommends the disposition of the complaint and the recommended disciplinary actions, if applicable to the chief of police. The final disposition of a complaint/allegation (administrative investigation) is closed in one of four categories: “sustained,” “not sustained,” “unfounded,” or “in compliance.”

After reviewing the investigation documents, the district station or division commander forwards a copy of the PD206 or the IA administrative investigation case files to his/her bureau commander. After review by the bureau commander, administrative investigation cases then are forwarded to a deputy chief of police who reviews the case and then forwards to the chief of police for final determination. If the complaint or allegation was
initiated by a citizen, then the police department communicates the final disposition to the complainant, usually by written communication.

Complaints and allegations against department members may also be initiated at the IAB. The IAB may receive complaints directly from citizens, and from referrals from other sworn or non-sworn employees within the department. For complaints originating at IAB, IAB commanders determine if the seriousness or complexity of the allegation requires an investigation by the IAB. Allegations related to the dissatisfaction of service are forwarded to the respective district station or other division staff for investigation. Allegations of employee misconduct that are of less serious violation may be investigated by IAB or forwarded to the respective district station or other division staff for investigation. In addition, according to department policy, IAB has assigned responsibility for conducting investigations into incidences of use of force involving the discharge of firearm(s), and other (non-firearms) use of force which resulted in a fatality or serious injury, and all allegations of discrimination.

The total volume of internal administrative investigations assigned an IAB case number, performed by IAB and the district stations and other divisions, is approximately 250 to 300 annually, excluding police vehicle crashes and other instances of loss or damage to police department property, for which department policy requires an automatic investigation and assignment of an IAB case number.
Administrative Investigation Process at Internal Affairs Bureau

Start

IA Bureau receives complaint against employee from internal or external party

Complaint is assigned to an IA investigator, given an IA case number, and entered into IAPro by a system administrator

Thorough investigation is launched, to include the gathering of evidence, and the identification and interview of witnesses

Involved employee is contacted for interview

IA investigator completes investigation and prepares a written report

IA Division Commander reviews completed investigation and forwards to IA Bureau Commander for review and approval

IAPro Database

Completed investigation forwarded to employee's Division Commander via chain of command, for review and disciplinary recommendation, if necessary

Division Commander's review and if applicable, the disciplinary recommendations are forwarded to Bureau Commander for independent review

Bureau Commander's review forwarded to appropriate Deputy Chief of Police for independent review

Deputy Chief's review forwarded to Chief of Police for final review and determination

Completed administrative investigation file sent to IAB and disposition recorded in IAPro

End

Continued at top of page
Start

Complaint is filed against employee by internal or external source

On-duty supervisor is immediately notified of the complaint

On-duty supervisor interviews complainant and documents interview on Form PD206

Supervisor forwards PD206 to division/station commander for review

Is complaint a serious violation of law or department policy?

Yes → Station Commander reviews and signs PD206 to acknowledge review and concurrence and forwards to Bureau Commander for review and concurrence

Bureau Commander forwards PD206 to IA Bureau for review and tracking number assignment, which is recorded in IAPro

End

No → Continued at top of page

Yes → PD206 sent to IAB for full/complete investigation and assigned an IA tracking number, which is recorded in IAPro

IAPro Database

Station/Division Commander authorizes an internal investigation which is assigned to a supervisor

An internal investigation is completed and forwarded to Station/Division Commander for review and disciplinary recommendation, if applicable

Division commander forwards completed investigation to Bureau Commander for independent review

Bureau Commander forwards to Deputy Chief of Police for independent review

Deputy Chief of Police forwards to Chief of Police for review and final determination

Station/Division Commander receives PD206 and reviews

Is this a Dissatisfaction of Service complaint?

No → Continued

Yes → Station/Division Commander forwards PD206 to full/complete investigation and assigned an IA tracking number, which is recorded in IAPro
Appendix B: Survey Questionnaire

Introduction

This survey was conducted to obtain and compile information about practices for Internal Affairs processes as a comparative analysis. We have purposely refrained from identifying the answers with corresponding law enforcement agencies. A list of questions was prepared and forwarded to forty police and sheriff departments. In total, we received responses from 24 of the 40 departments. The following statistics provide perspective regarding the organizations that participated in this effort.

- The responding law enforcement agencies ranged in size from 549 sworn positions to 9,963 sworn positions.
- The responses represented a total of more than 49,000 sworn positions in the 24 agencies.
- The average ratio of Internal Affairs investigators to sworn officers was 1 to 146.
- The average reported percent of allegations sustained was 39.1%.
- The average population of the jurisdictions represented was over 923,000.

Organization Structure

1. Who does the head of Internal Affairs report to?

   Fairfax County Police Department (FCPD) and 41.5% of the Internal Affairs heads reported directly to the chief of police. It was noted that 46% of jurisdictions’ Internal Affairs heads reported directly to division heads and 12.5% of jurisdictions’ Internal Affairs heads reported directly to assistant police chiefs.

2. What rank/position is the head of Internal Affairs?

   FCPD and 21% of the jurisdictions’ Internal Affairs heads had ranks of Major or above, while 79% of jurisdictions’ Internal Affairs heads had ranks lower than Major.

3. Does the head of Internal Affairs report to anyone outside of law enforcement (e.g., county board, city council, mayor, commission, chief executive of the municipality, etc.)?

   FCPD’s Internal Affairs head did not report outside the Police Department and 91% of jurisdictions’ Internal Affairs heads did not report outside law enforcement.

4. Is the head of law enforcement (chief of police/sheriff) appointed or elected?

   FCPD’s chief of police was appointed. All of the jurisdictions’ chiefs of police and sheriffs were appointed except one.
5. Is the use of generally accepted investigative practices restricted by state and local laws, a collective bargaining agreement or other regulation? If yes, briefly explain the restrictions. (For example, access to employee drug testing results or personnel records by investigators may be prohibited or restricted by law.)

FCPD investigative practices are governed by laws and regulations including the “Law-Enforcement Officers Procedural Guarantee Act” (Va. Code Ann. § 9.1-500 et seq.). For 44% of the jurisdictions, investigation practices were restricted by state laws, and 52% of the jurisdictions did not have any restrictions. In 4% of jurisdictions, their investigation practices were restricted by collective bargaining agreements.

6. Does your jurisdiction have any other independent review for your police department? If yes, does it investigate complaints, or just review the results of investigations performed by Internal Affairs?

FCPD is subject to review by the Internal Audit Office. These reviews include examination of various areas, including property and evidence, and administrative investigations. Independent reviews of primary law enforcement agencies were performed by 58% of the jurisdictions and 42% did not perform independent reviews.

7. Does your organization obtain an annual review or audit of the Internal Affairs complaint and investigation process?

FCPD and 52% of the jurisdictions did not perform annual reviews of Internal Affairs. It was noted that 48% of the jurisdictions had annual reviews of Internal Affairs performed by internal audit offices, equivalent agencies or independent monitoring agencies within the police departments.

**Investigations Recordkeeping**

8. How are complaints and investigations tracked and monitored by Internal Affairs to establish a final disposition for each complaint?

FCPD used database software called IAPro to track and monitor investigations and complaints. All jurisdictions used a database for tracking and monitoring investigations and complaints. IAPro was used by 43% of the jurisdictions.

9. Does your department investigate complaints from anonymous sources?

FCPD investigated all anonymous complaints, while 92% of jurisdictions investigated anonymous complaints.

a. Does your department require a complainant to sign an affidavit, or otherwise “swear out” the complaint and surrounding facts?
FCPD did not require sworn statements from complainants, but 35% of jurisdictions required sworn statements from complainants.

b. Are there any other restrictions or impediments to filing a complaint? FCPD did not have any other restrictions, while 21% of jurisdictions had additional restrictions on filing complaints. Two of the jurisdictions reminded complainants of the liability for filing false complaints, which can discourage the filing of complaints.

c. Please list the different ways that a complaint can be filed with the police department.

FCPD and 82% of jurisdictions accepted complaints in person, online, by phone, e-mail and mail. One jurisdiction received complaints in person only.

10. Is information on investigation outcomes recorded and tracked by case category? For example, information tracked on use of force, theft, abuse, domestic violence, fraud, etc.

FCPD and 96% of jurisdictions tracked investigation outcomes by case category. FCPD, for example, tracks statistics for investigation outcomes and produces an annual report which includes the source of investigations, investigative outcomes, administered discipline, use of force investigations and information on complaints received and assigned.

11. Are complaints classified by accused officer and supervisor and reviewed for trends?

FCPD and 22% of the jurisdictions did not review for trends, while 13% of jurisdictions reviewed for officer trends only. It was noted that 65% of the jurisdictions reviewed complaints by officer and supervisor for trends. FCPD maintains information on the investigations for involved department members and their supervisors in IAPro. This information is accessed and analyzed based on internal inquiries about specific members, but currently not all of the information is periodically reviewed and analyzed for trends.

**Performance of Administrative Investigations**

12. What is the average number of investigations conducted by Internal Affairs? Per year, in the past 3 years?

In determining the average number of internal investigations conducted, it must be recognized that the methodologies for capturing this information differed across the respondents’ operations, with some departments, including the FCPD, placing the responsibility for the conduct of a portion of their internal investigations at the division or station level. Over the past three years, the
average number of internal investigations for 23 jurisdictions was 522. The average number of investigations conducted by the FCPD during this same time period was 517, with an average of 98 of these conducted by the IAB.

13. How are withdrawn complaints handled?

FCPD and 70% of the jurisdictions investigated withdrawn complaints.

14. What is the average amount time for Internal Affairs to complete an administrative investigation, starting from receipt of complaint for investigation until final report, assuming there is no related pending criminal investigation?

FCPD’s Internal Affairs goal was to complete investigations in 60 days. The coordination by FCPD with the Commonwealth’s Attorney for criminal investigations and other groups or officials can extend the time frames for cases to be completed, which may be out of the control of investigators in the Internal Affairs Bureau. The average amount of time to complete investigations for 23 jurisdictions was 92 days.

15. Are special investigation provisions used for deadly force cases? For example, use of more than one senior investigator or the involvement of other professional investigators?

a. Are deadly force administrative investigations performed by Internal Affairs, other division supervisors or outside independent parties?

Internal Affairs investigators performed deadly force administrative investigations in FCPD and in 21 of 24 or 88% of jurisdictions.

b. Is a special police department administrative investigative team used for deadly force cases?

FCPD and 25% of jurisdictions used special investigative teams and 75% of the jurisdictions did not use special investigative teams. FCPD’s special investigative team used for deadly force cases included the Internal Affairs Bureau, Criminal Investigations Bureau, Crime Scene Section, Peer Support Services and the Police Department psychologist.

c. Are deadly force incidents reviewed by a police department review board?

FCPD and 33% of the jurisdictions did not use a police department review board. It was noted that 42% of jurisdictions used a review board that was internal to the police department, 12.5% of jurisdictions used a review board external to the police department, and 12.5% of jurisdictions used review boards with external and internal personnel.
16. Are investigation reports available to the public?

The public release or non-release of the criminal and administrative investigation is governed by applicable state law or regulation for all of the responding jurisdictions, including the FCPD. These laws require that certain information must be released and provide for exemptions for the non-release of information under certain circumstances. The responding jurisdictions, including the FCPD, were in compliance with these laws. The FCPD and 61% of the jurisdictions’ criminal and administrative investigations were not available to the public, while 39% of reporting jurisdictions’ criminal and administrative investigations were available to the public. Further, one jurisdiction reported to the public if at least one day of discipline was issued. In addition, one jurisdiction reported to the public if a case involved death. Lastly, one jurisdiction made the chief of police’s closing letters to accused personnel and complainants available to public.

17. Who are the investigation reports issued to?

FCPD and all jurisdictions issued reports to the chief of police or sheriff. Two or 9.5% of the jurisdictions also reported to parties outside of the police department.

18. Are there requirements for drug and steroid testing, when police officers are involved in incidents that result in death or serious injury?

FCPD and 68% of jurisdictions did not require drug testing in such incidents absent cause or suspicion. Further, 27.5% of the jurisdictions did require drug testing and one or 4.5% of the jurisdictions required non-steroid drug testing only for vehicle accidents.

19. Are random drug and steroid testing performed on police officers?

FCPD and 61% of the jurisdictions performed random drug and steroid testing. Further, 26% of jurisdictions did not perform random testing, while 9% performed drug testing only and 4% performed random tests for narcotics officers only.

a. If so, does Internal Affairs have access to test results of officers under investigation?

FCPD and 82% of the jurisdictions provided Internal Affairs access to test results. It was noted that 14% of the jurisdictions did not provide access to test results and 4% provided access only under "limited" circumstances.

20. Does your department record by video and/or audio interviews with complainant and witnesses? With the accused officer?

FCPD and 74% of the jurisdictions audio taped interviews. Further, 9% of the jurisdictions audio taped witness interviews only. In addition, 13% of the
jurisdictions encouraged or made audio or video taping optional and 4% of the jurisdictions required both audio and video taped interviews.

21. For allegations of theft or requesting bribes, does your department obtain a credit report as part of its investigation process?

FCPD and 30% of the jurisdictions required credit reports. It was noted that 65% did not require a credit report and it was optional for 4% of jurisdictions.

22. For administrative investigations relying on physical evidence, does your department follow the same policies and procedures pertaining to the safeguarding of evidence that are applicable to normal criminal investigations?

FCPD and 70% of the jurisdictions follow the same evidence safeguarding procedures for both administrative and criminal investigations and 30% of the jurisdictions used a lesser standard for administrative investigations.

23. Are the results of a sustained determination and the related facts of the complaint and investigation required to be communicated to the accused officer’s immediate supervisor?

FCPD and 57% of the jurisdictions did not require results of investigations reported to the immediate supervisor. In that group, FCPD and 22% of jurisdictions reported the results to the commanding officer of the accused rather than the immediate supervisor. Further, 43% of jurisdictions required the results to be reported to accused officer’s supervisor.

24. Are there any type of complaints/offenses which your jurisdiction requires (either by law or by policy) to be prosecuted criminally, rather than handled only administratively? If yes, which type of offenses requires criminal prosecution?

FCPD and 56.5% of the jurisdictions required criminal violations to be referred to the appropriate prosecutorial authority. It was noted that 39.1% of the jurisdictions did not require criminal violations to be pursued criminally and 4.1% of the jurisdictions only required theft cases to be pursued criminally.

25. Does your department have a policy requiring sworn officers to self-report arrests and/or convictions for certain types of criminal offenses? Non-criminal offenses, such as vehicle accidents or traffic violations?

a. If yes, which type of offenses requires self-reporting, and to whom are they required to report the information to (e.g., immediate supervisor, commanding officer)?
FCPD and 91% of the jurisdictions required officer self-reporting for arrests, of which 22% required self-reporting for criminal violations only and 9% did not require officer self-reporting for arrests.

There were 69% of jurisdictions that required officer reporting to an immediate supervisor. FCPD and 6% of the jurisdictions required officers to report violations to a commanding officer. Further, 12.5% of jurisdictions required officers to report to Internal Affairs and 12.5% required reporting to the chief of police.

b. Are self-reported offenses documented and retained in the officer’s personnel file?

Only 8 out of 24 jurisdictions responded to this question. FCPD and 2 of 8 respondents retained information in Internal Affairs files only. Further, 3 of 8 respondents retained documentation in officer personnel files, 1 of 8 respondents did not retain documentation in personnel or Internal Affairs files, and 1 of 8 respondents stated that it depended on the situation.