
Internal Affairs

1029.1 POLICY

The Oneida County Sheriff's Office has a written policy to promptly investigate and adjudicate matters of internal affairs.

1029.2 PURPOSE

To maintain and reinforce community confidence in the agency pursuant to allegations of employee misconduct, inappropriate behavior, or violations of law.

1029.3 INTERNAL AFFAIRS PROCEDURE

After assignment, the Undersheriff shall ultimately be responsible for all facets of the internal affairs function. This is inclusive of all records, investigations, and confidentiality of records associated with the function.

1029.3.1 REGISTERING THE COMPLAINT

The member receiving a complaint of this type will immediately inform their supervisor, who will then advise their Lieutenant, the Operations Captain, the Chief Deputy, the Undersheriff, and the Sheriff of the complaint. In the event that an immediate supervisor is not on duty at the time of the incident, the supervisor will be called at home.

Complaints

The Undersheriff shall forward this information to the Chief Deputy or Captain of Patrol for investigation. The Office of the Undersheriff or his designee shall make notification to the complainants that an allegation is being administratively investigated. This notification will be in writing on Sheriff's Office Letterhead stationary signed by the Undersheriff or their designee only. The Sheriff shall be notified of the reported complaint by the Undersheriff's Office.

Investigation

A thorough investigation shall be carried out by the assigned member and a written report supported by records and documents shall be issued and forwarded to the Undersheriff for review.

Subject

The subject of the investigation shall be notified as to the results of the investigation.

Personnel investigations may be closed as follows:

- (a) Founded - the allegation is supported by sufficient evidence.
- (b) Unsubstantiated - There is no credible evidence to support the charge, and or the incident occurred but the member's actions were lawful and proper.

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1029.3.2 SUPERVISION AND CONTROL OF THE INVESTIGATION

The Undersheriff will direct the investigation of the allegations and assign the necessary qualified personnel a member of equal or higher rank) to conduct the investigation. The investigation will be assigned to an officer of higher rank than the person being investigated.

The member assigned to investigate complaints of an internal nature is acting with the full authority of the Sheriff or Undersheriff and will be extended every cooperation by all agency members.

When an investigation has been initiated, the subject of the investigation shall be notified by the Sheriff or the Deputy/Investigator assigned to the investigation of the nature of the complaint. In cases where such notification would jeopardize the investigation, the notification may be given immediately prior to the interview of the subject. The member will be advised of the charges or allegations and of his/her rights and responsibilities relative to the investigation.

Interviews will be conducted in a confidential manner. The results shall become part of the file.

All such files shall be kept locked and confidential. The files remain confidential during an open investigation and are not subject to "Freedom of Information" law during this time in accordance with Public Officers Law § 87.

1029.3.3 RESPONSIBILITY RELATED TO INTERNAL AFFAIRS COMPLAINT

All internal affairs/personnel complaints shall be investigated to a logical conclusion. Personnel complaints that are not criminal in nature shall be promptly forwarded to the Patrol Lieutenant who will send file to the Operations Captain of Patrol. There will then be immediately notification of the Sheriff, Undersheriff and, Chief Deputy. A determination on the seriousness of the complaint will be made. The investigation may then be assigned by the administration to CIU, a Patrol Lieutenant, or Sergeant to investigate. The findings will be given to the Undersheriff with copies to the Sheriff and Chief Deputy for counseling or disciplinary action, if necessary.

All criminal matters involving personnel shall be referred to the Sheriff, Undersheriff and Chief Deputy immediately. The Undersheriff may assign these cases to the internal affairs/CIU Lieutenant for investigation and recommendation of disposition.

1029.3.4 INDIVIDUAL RESPONSIBLE FOR INTERNAL AFFAIR FUNCTION

The Lieutenant of Criminal Investigations shall be responsible for the internal affairs functions of the Oneida County Sheriff's Office. The Criminal Investigation Unit will serve as the Professional Standards Division of the Oneida County Sheriff's Office. The responsibility of the actual investigation may be assigned to an agency investigator, but the actual responsibility remains with the designee.

The Lieutenant of the Criminal Investigations shall be hereby authorized to report directly to the Undersheriff relating to all internal affairs matters.

1029.3.5 AVAILABILITY OF INTERNAL AFFAIRS POLICY AND PROCEDURE

The procedures for internal affairs investigations shall be published in the policy and procedure formats and shall be located in Lexipol. The file shall be available to all members.

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1029.3.6 INTERNAL AFFAIRS RECORD MAINTENANCE

Records of all agency/personnel complaints shall be maintained. All incidents shall be investigated to a resolution or logical conclusion. The complaints and all associated paperwork, inclusive of member's notes and statements shall be maintained in a secure administrative storage area. The complainant, if known, shall be explained the administrative decision as to the resolution decision.

1029.3.7 INTERNAL AFFAIRS NOTIFICATION OF DISPOSITION

Upon completion of the investigation into personnel complaints regarding Law Enforcement Division personnel, the Sheriff and Undersheriff will be notified. The findings of the investigation will be forwarded to the Undersheriff.

1029.3.8 MAINTAINING CONFIDENTIALITY OF INVESTIGATIONS

This policy will serve notice to all Division personnel that the policy of prohibiting discussion of ANY investigation, police action, accident investigation or other related incidents is in effect.

If you are contacted by an attorney or another official representative requesting information from you, concerning any open investigation or other legal matter involving the Sheriff's office, you should notify your immediate supervisor as soon as practical. The Sheriff and Undersheriff will be notified prior to any discussion.

This policy is not intended to inhibit the lawful use of subpoenas, nor cooperation with the County Attorneys Office when they are representative the Oneida County Sheriff's Office, or the District Attorney's staff.

1029.3.9 LIAISON TO THE DISTRICT ATTORNEY'S OFFICE

During the course of an internal affairs investigation, should allegations or information be brought to light that possible criminal activity is involved, the District Attorney's Office shall be notified. The Undersheriff or their designee will be the liaison to that office for such cases.