



**General Order: 4.8  
INTERNAL AFFAIRS UNIT**

Effective: September 1, 1973  
Last Revised: July 1, 2009

**PURPOSE**

The purpose of this General Order is to establish an internal procedure for the thorough and impartial investigation of allegations arising out of actual or perceived misconduct by employees of the Garden Grove Police Department. To accomplish this task and meet the requirements of state law, the Internal Affairs Unit of this department has been formed. The Administrative Services Bureau Commander is responsible for the operation of the Internal Affairs Unit and reports directly to the Chief of Police.

**POLICY**

It is the policy of the Garden Grove Police Department that all members of this department shall encourage both citizens and fellow employees to bring forth legitimate grievances regarding inadequate service or employee misconduct. All complaints against our agency or its employees shall be investigated, including anonymous complaints.

**RECEIVING COMPLAINTS**

Any member of this department may receive a complaint from any person. Complaints are received in two basic forms:

1. Written
2. Verbal

The written complaint is either delivered in person or by mail. The verbal complaint is received either in person or over the telephone. Both sworn and non-sworn personnel are responsible for receiving citizen complaints. A citizen complaint may be referred to an on-duty supervisor or the Internal Affairs Sergeant for reception. A citizen must not be told to call back or contact a specific supervisor under any circumstances.

When a complaint is received in person, the department member receiving the complaint must complete Citizen Complaint Form (GGPD Form 322a) and give the complaining party the yellow copy of the form. The Narrative Description of Events section should be filled out in detail to include all relevant information.

When a complaint is received by telephone, the member receiving the complaint must complete the Citizen Complaint Form and indicate on the form that the complaint was received on the phone. The yellow copy of the complaint is mailed or delivered to the complaining party.

The person receiving the verbal complaint must decide whether to handle it informally, i.e., verbally, or reduce the complaint to writing.

The person receiving the verbal complaint must not handle informally those complaints of a serious nature and/or those complaints which are not resolved to the COMPLETE satisfaction of the complainant. When in doubt, the person receiving the complaint shall fill out a citizens complaint form and forward the original IMMEDIATELY to Internal Affairs.

When a complaint is received on policy or procedure, the complainant does not receive a copy of the Citizen Complaint Form. A notation must be made on the form stating that department policy or procedures have been explained to the complaining party.

Internal Affairs is the central controlling point for logging, assigning, investigating and filing of citizens complaints. All written complaints shall be forwarded IMMEDIATELY to the Internal Affairs Unit.

### **CRITERIA**

A Citizen Complaint Form must be completed on any alleged complaint of misconduct of any member, either sworn or non-sworn, of the Garden Grove Police Department. A citizen complaint must be completed on a complaint about policy or procedure. It is not necessary to complete a Citizen Complaint Form on disputes of guilt or innocence on a traffic citation. The employee accepting the Citizen Complaint shall immediately notify their supervisor of the complaint as required by department procedures.

### **COMPLAINTS RECEIVED BY INTERNAL AFFAIRS**

Once a complaint is received by Internal Affairs, it is logged and processed, and is either investigated by Internal Affairs personnel or sent to the appropriate Division, Unit or Bureau Commander for an investigation by a supervisor under his command.

Investigations will fall into two categories. They are as follows:

#### **Category I Complaints**

1. Department initiated confidential or sensitive investigations
2. Allegations of serious misconduct, i.e., excessive force, corruption, alleged or suspected breach of integrity in a case of moral turpitude
3. Allegations that may result in a criminal investigation
4. Other investigations as assigned by the Chief of Police or Bureau Commander

#### **Category II Complaints**

1. Complaints of a minor nature involving discourtesy, disrespect, attitude or perceived rudeness
2. Complaints of abusive or foul language

3. Complaints that on review of the allegations will not require extensive interviews or lengthy complex investigations

Category I complaints will normally be investigated by Internal Affairs personnel. Category II complaints will normally be handled by supervisory personnel from the employee's division or unit.

The first option to investigate a complaint against an employee in Category II complaints will be afforded the affected Bureau, Unit or Division Commander.

If an Internal Affairs investigation reveals the potential that a crime has occurred and a criminal investigation must be completed, a separate criminal investigation shall be conducted by investigation personnel assigned to that task by the Chief of Police or Bureau Commander.

It will be the responsibility of the Administrative Services Bureau Commander to notify the Chief of Police immediately of any Category I complaints.

The Internal Affairs Unit maintains a liaison with the Special Prosecutions Unit of the Orange County District Attorney's office. The Special Prosecutions Unit is charged with the investigation of any criminal act committed by a public official. On any allegations of a criminal act being committed by an employee, the resulting criminal investigation is reviewed by the District Attorney's office for appropriate action.

### **HANDLING OF CITIZENS COMPLAINTS**

Policy/procedure complaints are directed to the Bureau Commander of the involved employee. Once the problem has been resolved, the complaint and record of any action taken are then routed to Internal Affairs for filing.

#### **Category I Complaints**

Category I complaints will be logged onto the complaint log, and Section A of Routing Form (GGPD Form 326) will be completed. A copy of the complaint will be forwarded to the employee's Division Commander and Bureau Commander. Sections B, C, and D on the Routing Form will not be filled in until the completion of the investigation.

Category I complaints will be handled by an assigned Internal Affairs investigator. Once the investigation is complete, the Internal Affairs investigator sends the completed investigation to the Professional Standards Division Lieutenant and to the Administrative Services Commander for review and distribution to the appropriate Division Manager.

The employee's supervisor reviews the facts of the investigation and makes recommendations. Based on the facts of the investigation, the conclusion recommendation must be from one of the following: exonerated, unfounded, sustained, or not sustained. The Division Manager also reviews the facts of the investigation and makes recommendations.

The Division Manager then forwards the completed investigation and recommendations via the chain of command to the Chief of Police. Each manager in the chain of command makes his recommendation on the attached Routing Form. Depending upon the final disposition of the complaint, the employee will review and sign the acknowledgment section of the Routing Form.

If the disposition of the complaint results in disciplinary action, the procedures outlined in General Order 1.2 - Disciplinary Procedures will be followed.

The completed investigation is then sent to the Internal Affairs Office for logging and filing.

### Category II Complaints

Category II complaints will be routed to the Division or Unit and Bureau Commander of the employee(s) involved. Supervisory personnel will be assigned to investigate that complaint. The assigned investigator will, within five calendar days, conduct a tape recorded telephonic or personal interview with the complainant to try and resolve the problem without it requiring additional investigation.

Whenever the assigned Division Commander or supervisor contacts the complainant and resolves the problem, he shall:

1. Prepare a memo or utilize the comment section on the Routing Form and forward it, along with pertinent information, to the Bureau Commander. Contents of the memo are to include a brief summary of the complaint, and any other actions or recommendations.
2. Fill in the appropriate additional sections on the Routing Form and have the involved employee sign the acknowledgment form.
3. Forward the entire package through the chain of command to Internal Affairs for filing.

Whenever the Division Commander or supervisor contacts the complainant and cannot resolve the problem without additional investigation, he shall:

1. Conduct a complete investigation into the allegations;
2. Have each supervisor in the chain of command make his recommendation on the Routing Form;
3. Ensure that a conclusion recommendation(s) will be included in the package;
4. Submit the completed investigation to the Bureau Commander via the chain of command.

Based on the facts of the investigation, the conclusion recommendation must be: exonerated, unfounded, sustained, or not sustained.

All misconduct must either be informally resolved by the Unit Commander as previously outlined or formally investigated by Internal Affairs. The only exception to this requirement will be if the complaint is to be classified as pending.

A pending classification applies only in the following circumstances:

1. The complainant withdraws the complaint prior to the investigation;
2. It is learned that the complainant did not witness the incident, was not involved in the incident, and is not the parent of a juvenile who is involved in or a witness to the incident;
3. Recommendation of the City Attorney because a civil suit has been or is likely to be filed.

INVESTIGATION INTO CITIZENS COMPLAINTS WILL BE COMPLETED WITHIN 30 DAYS FROM THE DATE THE CASE IS ASSIGNED TO AN INTERNAL AFFAIRS INVESTIGATOR OR A DIVISION OR UNIT COMMANDER FOR INVESTIGATION.

COMPLAINT STATUS REPORTS ON ANY ASSIGNED INVESTIGATION (INTERNAL AFFAIRS OR DIVISION) WILL BE REPORTED TO INTERNAL AFFAIRS EVERY SEVEN DAYS. The Internal Affairs Sergeant or the supervisor conducting the investigation shall contact the complainant at least once every 15 days to advise them of the status of the investigation.

If a complete investigation cannot be done within the 30-day limit, the Internal Affairs investigator or the supervisor conducting the investigation must notify his/her Bureau Commander of the reason for the delay and request permission for an extension. The Internal Affairs investigator or the supervisor conducting the investigation must then contact the complainant and advise him of the reasons for extending the investigation beyond the 30-day limit.

#### **DEFINITIONS COMPLAINT FINDING**

1. Sustained: A true finding supported by the facts.
2. Not Sustained: Facts revealed do not substantiate the allegation(s) - insufficient evidence available.
3. Unfounded: Not true - actions alleged did not occur.
4. Exonerated: Allegation is true but actions were lawful.

#### **ACTION UPON COMPLETION OF INVESTIGATION**

If the complaint is sustained or some form of misconduct is found to have been committed by an employee, appropriate disciplinary action shall be initiated from within the bureau that the employee was assigned at the time of the misconduct.

Should a complaint of misconduct arise from a situation involving an area where a policy or procedure has changed or there is no policy or procedure in place to regulate conduct, the department will make the necessary changes or implement new policy to prevent future allegations of misconduct.

### **FILING OF REPORTS**

1. A copy of all complaints and relevant reports, regardless of their disposition, shall be forwarded to Internal Affairs for filing and storage. These reports shall be filed under the name of the employee(s) involved in the complaint. Complaints concerning department policy and procedure, and those where the name of the employee cannot be determined shall be placed in a file labeled "Department File". The I.A. office is a secured office, with limited access.
2. A copy of all complaints, relevant reports, and their disposition shall be kept on file in Internal Affairs. This material is CONFIDENTIAL and maintained only at the Internal Affairs office and shall be purged only at the direction of the Chief of Police.

### **NOTIFICATION OF COMPLAINT**

At the conclusion of the investigation, whether investigated by the operational division or Internal Affairs, it shall be the responsibility of the Internal Affairs Sergeant to notify the complainant that the matter has been thoroughly investigated and that appropriate action has been taken.

### **ANNUAL STATISTICAL SUMMARIES**

During January of each calendar year, the Internal Affairs Sergeant will post the annual report of citizens complaints against peace officers which is supplied by the department to the Department of Justice pursuant to California Penal Code Section 13012(d). This report will be posted on the department bulletin board, and show the total number of citizens complaints received by the department during the previous year, and the number of complaints which were unfounded and those sustained.

These summaries are public record and, as such, are available from the Department of Justice Bureau of Criminal Statistics.