



DEPARTMENT NOTICE

19-244
12/16/19

Internal Affairs Division

The purpose of this Department Notice is to clarify the authority of the Internal Affairs Division (IAD) and to clarify the required cooperation of involved members in an IAD investigation. This notice does not amend existing policy.

Authority

Department investigators assigned to IAD work under the authority and direction of the Chief of Police. Their duties shall not be interfered with or purposely delayed.

Duties

IAD is tasked with investigations of Department Members (both Sworn and Non-Sworn) who are alleged to have committed **administrative violations** on and off-duty. Administrative violations are violations of Department Policy.

Examples of investigations conducted by the IAD include but are not limited to:

- Failures to Appear (FTA). This includes: Physical Fitness Evaluations, Firearm Qualifications, and Court.
- Loss and/or Damage to Department Property.
- Referrals from other agencies. This includes DHR/EEO and DPA.
- Referrals from Investigative Services Detail (formerly IAD Crim). These are typically administrative violations discovered during a criminal investigation.
- Complaints from outside Law Enforcement Agencies. (*DGO 2.04.03 A7*)
- "Whistleblower" investigations
- Officer Involved Shootings (OIS)
- In Custody Deaths (ICD)
- Complaints against Police Service Aids (PSA)

At the discretion of the Officer in Charge of IAD, cases may be referred back to the involved member's unit for investigation by their Commanding Officer or designee.

Members of the IAD are also tasked with serving members with Chief's Orders and the disarming of members when necessary.

Interviews of Named Members

Named Members are afforded rights, including representation, as prescribed by the Peace Officers Bill of Rights during IAD interviews (*DGO 2.08-Peace Officers' Rights*). It is the named Member's responsibility to arrange for representation.

Interviews of Witness Members

Members interviewed as a witness should be aware that there is no right to representation as they are not being accused of misconduct.

Both Named and Witness Members are required to answer truthfully and cooperate fully with IAD. Members may be subject to discipline for failing to cooperate during an investigation (*DGO 2.01(21)-Cooperation with Investigations*).

Any compelled statement made by a Named Member during an administrative investigation cannot be used against them to prove a criminal violation in any subsequent criminal action, *Lybarger v. City of Los Angeles*, 40 Cal.3d 822 (1985).

IAD investigation are confidential, therefore Members shall not discuss their interview(s) with others while the investigation is on-going. (*DGO 2.01(49)-Divulging Confidential Information*)



WILLIAM SCOTT
Chief of Police

Per DB 19-156, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Notice in HRMS. Any questions or clarification regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.