



DEPARTMENT NOTICE

23-021

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Internal Affairs Division

(Update to DN 19-244)

This Department Notice aims to clarify the authority of the Internal Affairs Division (IAD) and the required cooperation of involved members in an IAD investigation. This notice does not amend the 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 investigating 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 the following:

- Off-duty complaints of misconduct
- On-duty misconduct referred from intradepartmental Memorandum
- Referrals from other agencies, including DHR/EEO and DPA
- Referrals from Investigative Services Detail (formerly IA Crim). These are typically administrative violations discovered during a criminal investigation
- Complaints from outside Law Enforcement Agencies (*DGO 2.04.03 A7*)
- "Whistleblower" Complaints
- Covered Incidents such as Officer Involved Shootings (OIS), In Custody Deaths (ICD), and Use of Force (UOF) resulting in great bodily injury and or hospitalization from the force used
- Bias hits from Electronic Communication Devices
- Body Worn Camera violations

At the discretion of the Officer in Charge of IAD, cases may be referred back to the involved member's Commanding Officer for a station/unit level investigation. The Commanding Officer, or their designee, shall complete a station/unit level investigation in accordance with "A Guide to Station Level IAD Investigations" found on the SFPD Intranet and PowerDMS. Named and Witness Members must answer truthfully and cooperate fully with a station/unit level investigation. Members may be disciplined for failing to cooperate during an investigation (*DGO 2.01-Cooperation with Investigations*). Examples of investigations that may be referred to the Commanding officer include but are not limited to the following:

- Officer Involved Discharges
- Escaped Custody
- Loss and or Damage to Department Property
- Failure to Appear (FTA): Court, Range Qualification, Bi-Annual Fitness Test
- Complaints against Police Service Aides (PSA)

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

Named and Witness Members must answer truthfully and cooperate fully with IAD. Members may be disciplined for failing to cooperate during an investigation (*DGO 2.01-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 investigations are confidential. While you are not prohibited from discussing the matter with individuals other than a representative before the conclusion of the investigation, members are urged not to do so, as IAD will be asking each person who is interviewed in connection with an investigation to provide their independent account. Each subject and witness will be asked if they talked to any other subject/witness about the allegations and to provide a summary of what was discussed. (*DGO 2.01-Divulging Confidential Information*)


WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org, who will provide additional information.