

**PRINCE WILLIAM COUNTY POLICE DEPARTMENT
MANUAL OF GENERAL ORDERS**

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DISCIPLINARY ACTION: INVESTIGATING COMPLAINTS

When the Division Commander (or designee) or the Office of Professional Standards Commander determines that further investigation of the initial complaint is called for, the following steps will be taken by the supervisor or Office of Professional Standards investigator (hereafter referred to as “investigator”) assigned to handle the complaint. Nothing in this policy shall prohibit the investigator from investigating any new allegations of misconduct that come to light in the course of the investigation.

Complaints alleging sexual harassment or any Title VII discrimination in the workplace by a member may be jointly investigated by the Equal Employment Opportunity Officer and the investigator assigned to investigate the complaint. EEO involvement will be at the discretion of the EEO Diversity Director after hearing the case allegations. The investigation shall be conducted in accordance with County Personnel Policy and be consistent with the Law Enforcement Officer’s Procedural Guarantees.

- A. The investigator will attempt to thoroughly interview the complainant concerning the incident. This interview will be done in person unless circumstances prevent a personal interview (e.g. complainant lives out of the area, refuses to meet, etc.). The interview should be recorded, if possible. The investigator will determine exactly what wrongdoing the complainant believes the member committed.
- B. The investigator will notify the member involved, unless notification could jeopardize the investigation. The investigator may use discretion when determining at which point during the investigation this notification should occur.
- C. The investigator will interview the involved member or interview the witnesses and gather any pertinent evidence prior to interviewing the involved member. (This step will be left to the discretion of the investigator.)
- D. Interviews of members involved in the investigation will be controlled by the following guidelines:
 - 1. The interview shall take place at a reasonable time and place as designated by the investigator, preferably when the involved member is on-duty, unless circumstances dictate otherwise. If possible, it is preferred that the interview take place in the Office of Professional Standards conference room due to the recording equipment available.
 - 2. All interviews will be audio / video recorded. Audio / visual recordings for the purpose of internal inquiries, or fitness for duty investigations, may not be refused by any Sworn or Non-Sworn Member.

3. **Sworn Members** - Prior to questioning as part of an administrative investigation, sworn members will be directed to read and sign the Law Enforcement Officer's Procedural Guarantees form (PD67) and the Chief's memorandum on Honesty and Integrity.
 4. **Non-Sworn Members** - Prior to questioning as part of an administrative investigation, non-sworn members will be directed to read and sign the Administrative Proceedings Information form (PD67a) and the Chief's memorandum on Honesty and Integrity.
 5. The PD67 and PD67a will, at a minimum, describe the nature of the investigation and the employees' rights and responsibilities relative to the investigation.
 6. If there is a reasonable likelihood that criminal charges may arise out of the investigation, the member will be told that the case is being handled as a criminal matter. The accused member will be given the "Miranda" Rights Waiver form by the member conducting the criminal investigation. If the accused member refuses to answer under these circumstances, the interview will be terminated. Investigating members shall consult superiors and the Commonwealth's Attorney's Office in any case where there is question as to the necessity for the "Miranda" warning.
 7. In most situations involving criminal misconduct, two members will be assigned to investigate the allegation(s). One member will be assigned to conduct the criminal investigation and the other member will be assigned to conduct the administrative investigation. The member who is the subject of possible criminal investigation will be told prior to any questioning the roles of the investigating members. Members are not required to waive their rights protected by the United States Constitution in a criminal investigation. They will, however, be required to answer all questions during an administrative investigation. The member conducting the criminal investigation shall not be present for the administrative interview conducted under the Law Enforcement Officer's Procedural Guarantees; however, the administrative investigator may be present to observe the criminal interview, if circumstances permit.
- E. During an administrative investigation, members have the following administrative rights and responsibilities:
1. The responsibility to answer fully and truthfully any questions pertaining to the matter under investigation, except to the extent of the protections afforded by the United States Constitution. Sustained findings of failing to answer questions both truthfully and fully (except to the extent of the protections afforded by the United States Constitution) will result in termination. This will be in addition to any other action that may be pending.
 2. Except as provided by Constitutional guarantee, a member does not have the right to refuse to answer any questions concerning their, or another member's, performance of duty or adherence to applicable directives. They may be required to give both oral and written statements at the discretion of the investigating supervisor.

3. A member cannot be asked to disclose personal financial information unless such information is required by law or related to the investigation.
 4. The interview will be for a reasonable length of time, depending on the seriousness of the investigation.
 5. Except during a criminal investigative interview, the member has no right to have an attorney present.
 6. Members will not discuss the content of an investigation with other department employees without the permission of the investigating supervisor. This applies even after the investigation has concluded.
- F. All internal investigations shall be completed within thirty (30) days unless circumstances require an extension. Such an extension may be granted to the investigator by the Office of Professional Standards Commander upon presentation of proper justification. In cases investigated by the Office of Professional Standards Commander, such extensions will be granted by the Chief of Police. In any complaint investigation in which an extension is granted, the Office of Professional Standards will notify the complainant to provide a status update. In addition, for any investigative extension granted, the investigator shall provide a status report to the Office of Professional Standards Commander. The Office of Professional Standards Commander shall determine the frequency and format of the status reports.