

INTERNAL AFFAIRS



HUNTSVILLE POLICE DEPARTMENT

AGENDA



Policies and procedures

Roll, authority, and scope

Complaints

Garrity vs New Jersey

BWC

WRITTEN DIRECTIVES

- WD 502.1 Internal Affairs
- WD 401.24 Mobile Recording System
- WD 101.13 Use of Force
- WD 101-13-2 Electronic Control Device
- WD 101-24 Oleoresin Capsicum
- WD 401.5 Emergency and Pursuit Driving
- WD 202.5.1 General Conduct and Responsibilities

*HuntsvilleAL.gov >> Huntsville Police >> HPD Operating procedures

POLICY

WD 502.1

- Purpose:

The Huntsville Police Department will ensure the integrity of the Department and its employees by investigating allegations of employee misconduct from any source, outside or inside the Department.

POLICY (INTERNAL AFFAIRS)

WD 502.1

Goal:

The goal of the Internal Affairs Division is to ensure the integrity of the Department through an internal system in which objectivity, fairness, and justice are assured by impartial investigations and review.

IMPARTIALITY

Complaints shall be investigated by persons not involved in the situation generating the complaint and not implicated by the complainant.

STAND ALONE LOCATION

Internal Affairs is located at 820 N. Memorial Parkway.



820 N MEMORIAL PARKWAY

INVESTIGATIVE SCOPE

- Allegations against staff personnel;
- Allegations of excessive force; and/or
- Allegations of misconduct which may adversely reflect upon the employee and/or the Department

INVESTIGATIVE AUTHORITY

Internal Affairs Division Investigators, or officers temporarily assigned to that unit, shall have the authority to interview any member of the Department, and to review any record or report of the Department, relative to their assignment.

EMPLOYEE DUTY TO COOPERATE

Departmental employees shall render material and relevant statements to the designated departmental authority when so directed. Personnel shall not, in any manner, interfere with an internal investigation

OTHER RESPONSIBILITIES

- Coordination of investigations involving the discharge of firearms
- Complete employment background investigations on all departmental applicants; and
- Other investigations directed by the Chief of Police or his designee.

SUBMITTING COMPLAINTS

- Complaints in person at Internal Affairs (8am – 5pm)
- Complaints can be taken by any HPD Supervisor
- By email to InternalAffairs@HuntsvilleAl.gov
- By phone 256-427-7012
- By mail: Huntsville Police Department, Internal Affairs

PO Box 2085

Huntsville, Alabama 35804-2085

* Minor complaints are often forwarded to immediate supervisor.

HOW COMPLAINTS ARE PROCESSED

- A complaint is received by one of the previously mentioned avenues then assigned to an Investigator by the Internal Affairs Director.
- Many times, there can be follow-up if additional information is needed.
- Information is gathered through mediums such as call for service logs, witness accounts, written reports, body worn camera footage, officer questioning etc.
- Totality of information available is weighed against applicable written directives, policy/procedure, and established law.
- Investigative findings are submitted to the Director of IA for approval, the Professional Standards Captain for review, then to the Chief of Police for final approval

*Notification of final decisions are made in writing

ADMINISTRATIVE V. CRIMINAL

INVESTIGATIVE ASSIGNMENT

If the investigation focuses on **criminal** matters, it will be forwarded to the appropriate commander in charge of Criminal Investigations. Internal Affairs Division may also gather information from the appropriate squad for administrative purposes. If the investigation involves officer actions that result in serious physical injury or death, it is forwarded to the State Bureau of Investigations (SBI).

DEPARTMENTAL QUESTIONING

Employees are compelled to answer questions, submit written statements and participate in recorded interviews during internal investigations related to the employee's duties or fitness for duty. Failure to answer such questions and cooperate with the investigation may form the basis for disciplinary action and may result in dismissal from the Department.

Answers given during the investigation of an administrative matter will not be used against the employee in any criminal proceeding, except for perjury or obstruction of justice.

GARRITY V. NEW JERSEY

- 1967 Supreme court case involving officers fixing tickets.
- Officers were informed that anything they said could be used against them in a criminal proceeding. They were also informed that they could refuse to answer any questions that they felt could incriminate them. However, they were warned that if they refused to answer any questions, they would be fired from their jobs.
- Officers answered the questions asked of them and were subsequently prosecuted and convicted of their crimes. This was appealed to the Supreme Court, however, because they were convicted in part based on their own statements, which they claimed were compelled under threat of losing their jobs.
- The court overturned the conviction stating this violated the 5th Amendment protection against self-incrimination, and thus those statements should not have been admissible in a criminal proceeding.

POLICE OFFICER'S BILL OF RIGHTS

TO provide for a law enforcement officers' bill of rights for Madison County and all its municipal law enforcement agencies, and Firefighters of the City of Huntsville, defining certain rights of any officer or firefighter accused of misconduct; providing for adequate prior notice to officer or fire- fighter accused of misconduct when dismissal or demotion are involved; providing that any law enforcement officer or firefighter may bring civil suit for damages suffered while on official duty; providing that no officer or firefighter may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorney or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws

Officers have a right to counsel if the allegation could lead to demotion or dismissal.

Do not confuse the right to counsel with the obligation to provide statements or answer questions during an official complaint.

POSSIBLE CASE FINDINGS

- DOCUMENTATION ONLY
- IMPROPER CONDUCT (OUT OF POLICY)
- PROPER CONDUCT (IN POLICY)
- UNFOUNDED
- INSUFFICIENT EVIDENCE
- POLICY REVIEW

BODY WORN CAMERA

- WD 401.24 Mobile Recording System



Approximately 85-90% allegations can be proven/disproven by body cameras alone.

Of those cleared 95.6% officers cleared by cameras.

Mistakes, misunderstandings, and miscommunications are different than blatant violations of how officers are trained.

2021 STATS

- 111 allegations of misconduct
- 21% of allegations yielded findings of IMPROPER CONDUCT
- 36 administrative investigations
- 33% of admin. investigations yield IMPROPER CONDUCT

SUMMARY

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Complaints

Garrity Rights

Officer Bill of Rights

BWC