



**FERNDALE**  
POLICE DEPARTMENT

# Internal Investigations

Date of Issue:  
November 30, 2016

Effective Date:  
November 30, 2016

Number:  
ARTICLE 54

Reviewed:  
January 1, 2024

Revision Dates:  
July 15, 2019

Distribution: All Department Personnel

Standard: 1.3.1 a, b, f

## 1.0 PURPOSE

The purpose of this policy is to establish a formal procedure to document and investigate all complaints alleging misconduct. It is designed to enhance and maintain the professional integrity of this department and its members. It is the policy of this department that behavior deviating from accepted standards and practices will not be tolerated. That is, the department and its members will perform their duties within the boundaries of established contemporary legal and ethical standards.

## 2.0 POLICY

It is the policy of this department to accept, document, review, and investigate all instances of alleged misconduct. Allegations of misconduct will be investigated regardless of whether initiated by police conduct complaint, anonymous complaints, other external agencies, internally generated, or discovered through internal review and administrative processes of the department (MLEAC 1.3.1 b).

## 3.0 PROCEDURES FOR INTERNAL INVESTIGATION

### 3.1 Responsibilities for Internal Investigations

3.1.1 Allegations of minor rules violations may be investigated and disposed of by any supervisor. Generally, the matter will be handled by the employee's unit supervisor or the supervisor in charge at the time of the incident.

3.1.2 Allegations of misconduct that could result in discharge, suspension, demotion, or criminal charges being sought, will be investigated by the Internal Affairs Investigator .

3.1.3 The Internal Affairs Investigator will be the Professional Standards Sergeant or Detective Lieutenant, unless otherwise designated by the Chief. The Internal Affairs Investigator will not investigate members of equal or higher rank except in cases of extraordinary circumstances.

3.1.4 Investigations should be done thoroughly and completely using investigative techniques to ascertain all the facts whether inculpatory or exculpatory.

3.1.5 The Internal Affairs investigator will always perform his or her duties at the discretion of and have direct access to the Chief of Police during the investigation (MLEAC 1.3.1 a).

### 3.2 Record Keeping responsibilities (MLEAC 1.3.1 f)

3.2.1 The Administrative Captain is designated the official records keeper by the Chief of Police. The Administrative Captain will maintain all records in a secure location.

## Article 54: Internal Investigations

3.2.2 All recordkeeping pertaining to internal investigations shall be consistent with MCL 423.509, commonly cited as the "Bullard-Plawecki Employee Right to Know Act." This Act makes specific allowance for the maintenance of confidential records in a separate file for internal investigations of employees of a criminal justice agency.

3.2.3 Consistent with MCL 423.509, the confidential file of investigation materials shall not be considered a part of the official personnel record for the employee.

3.2.4 In addition to a "hard copy" file (documents on paper, discs, tapes, photos, usb, etc.) electronic copies of all materials should also be maintained when possible. Electronic copies should be maintained in accordance with department procedures currently in effect.

### 3.3 Types of Investigations-Administrative/Criminal

3.3.1 Internal investigations may involve only possible violations of administrative rules, policies and procedures.

3.3.2 Internal investigations may involve possible violations of criminal law.

3.3.3 Different procedures are required for investigation of violations of administrative rules and for investigations of criminal laws.

3.3.4 When it is determined that a violation of criminal law may be at issue, the Chief shall be consulted, and a determination made as to how to proceed. Investigations of administrative rules must be separated from criminal investigations. The same investigator should not participate in both the criminal and administrative investigations.

3.3.5 All investigations should be conducted consistent with the terms of the current Collective Bargaining Agreement of the employee who is the subject of the investigation.

### 3.4 Criminal Investigations

3.4.1 If another agency is assigned to conduct the criminal investigation of alleged misconduct of a Ferndale Police Department employee, that agency shall work autonomously without interference from any Ferndale personnel. Ferndale Police employees shall not attempt to guide the investigation, influence decisions of the investigating department, or interfere with or attempt to influence the decision of the prosecuting authority.

3.4.2 If a Ferndale investigator(s) conducts or participates jointly in a criminal investigation, normal investigative methods will be used as with any other criminal investigation.

### 3.5 Internal Investigation Report

3.5.1 At the conclusion of an internal investigation, the Investigator in charge shall prepare a final Internal Investigation Report. The report should contain:

- A summary of the facts.

## Article 54: Internal Investigations

- A recommendation as to whether the investigation has revealed violations of department rules, regulations, policies or procedures.
- A list of the violations committed.
- The level of cooperation of the employee(s) investigated.
- Any other conclusions or observations of the investigator.

3.6 The investigator shall forward the report to the Chief of Police or their designee.

### **4.0 ANNUAL REPORT**

4.1 The Chief of Police or their designee shall complete a written annual analysis of all employee misconduct complaints and dispositions.



Dennis M. Emmi  
Chief of Police