

UNIT ORDER #21 - IDENTIFYING OBVIOUS OR POTENTIAL CRIMINAL AND NONCRIMINAL MISCONDUCT DURING ADMINISTRATIVE INVESTIGATIONS AND/OR FORCE AND SHOOTING REVIEWS

PURPOSE OF THIS ORDER:

This order is intended to provide Internal Affairs Bureau (IAB) investigators and managers with procedures and expectations related to identifying and reporting obvious and/or potential criminal and noncriminal misconduct.

PROCEDURE:

Potential noncriminal misconduct, including all potential Manual of Policy and Procedures violations not previously known/identified:

If during the course of an administrative investigation or Use of Force and/or Shooting Review case, noncriminal misconduct in violation of Department policy is discovered which is **unrelated** to the investigation at hand, that information shall be immediately reported to the responsible unit commander and operations lieutenant. Generally, decision making responsibility as related to additional “conduct” concerns remain with the unit commander holding management over the subject employee’s actions and/or conduct at the time the original event occurred. Initial notification of potential noncriminal misconduct can be conducted verbally, however, must be followed by formal notification via memorandum. The memorandum shall be authored from the IAB investigator to the IAB captain and to the responsible unit commander/director. Distribution will be that the notification of alleged misconduct shall be referenced within the summary of the current investigation as an “Investigator Note,” and shall be maintained within the “Notes” section of the Performance Recording and Monitoring System to include a copy of the notification memorandum.

Potential criminal conduct not previously known/identified; or, previously known but not criminally investigated:

When obvious or potential criminal conduct is identified, which an investigator cannot confirm was previously investigated by the appropriate agency/unit of jurisdiction (i.e., ICIB or outside agency), it shall be immediately reported to the responsible IAB team lieutenant and IAB captain by memorandum, and an entry made in the IAB Investigator’s Log. The memorandum shall include the following information at minimum:

- Case number and brief description of the incident/administrative investigation under way.
- Description of the obvious or potential criminal conduct identified and how it was discovered.
- The date, time and identity of those informed of the conduct, including the involved employee’s unit commander, operations personnel, division personnel, etc.

In accordance with Unit Order #23 Senate Bill 2 Misconduct Allegation Reporting Tracking (SMART) System – Entry Requirements, in all cases involving obvious or potential misconduct, SMART System entries shall be conducted by the sergeant investigator within 3 days of knowledge. Refer to Unit Order #23 and the Department’s SB 2 SharePoint site [SB2 - Home \(sharepoint.com\)](https://sharepoint.com) for SMART entry procedures.

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For cases involving obvious or potential criminal conduct, a copy of the notification memorandum, as described above, will be provided to the Professional Standards Division (PSD) commander without delay. The IAB operations staff shall ensure the Performance Recording and Management System (PRMS) Note section has an entry to memorialize the notifications made, and attach a copy of the notification memorandum.

Note: Category-3 Use of Force and/or Non-Hit Shooting Review cases follow divisional briefing procedures outlined in IAB Unit Order #11.
