

**Purpose**
To require the documentation and investigation of all complaints, including anonymous complaints, of alleged misconduct or illegal behavior against the Indiana University Police Department (IUPD) or its employees.

**General Order**
The IUPD will implement objective and fair procedures for conducting thorough and impartial internal affairs investigations. All complaints received will be documented in the Professional Standards System (PSS) and will be investigated as appropriate to ensure the integrity and professionalism of the IUPD and its employees.

**Complaint Investigations (4.2.1)**
All complaints against the department or its employees, including anonymous complaints, will be entered in the PSS. The complaint will be forwarded to the director for professional standards and education for review. The superintendent for public safety, the deputy superintendent for public safety, and the senior director for public safety will also receive notification of the complaint.

The director for professional standards and education is responsible for the internal affairs function and will manage the internal investigatory process of all complaints. In the event the complaint is against the director for professional standards and education, the superintendent for public safety will assume the responsibility of the internal affairs function.

Upon receipt of a complaint, the director for professional standards and education will review the complaint and determine the appropriate next steps. If the complaint does not involve an employee of the IUPD, or does not constitute a level one or level two complaint, then the complaint should be rejected.

If a complaint is rejected, the director for professional standards and education will notify the superintendent for public safety, the deputy superintendent for public safety, and the senior director for public safety. The director for professional standards and education will inform the employee of the complaint pursuant to G4.2.10 Inform Employee of Allegations.

If the complaint requires an investigation, the director for professional standards and education, in consultation with the superintendent for public safety or designee as may be necessary, will determine who will be assigned as the lead investigator or if another law enforcement agency will be requested to investigate. If the complaint is against the IUPD, the director for professional standards and education may refer the complaint to the appropriate Indiana University office for appropriate follow up.

The investigator assigned will be responsible for informing the director for professional standards and education of the status and progress of the investigation. The investigator will investigate and report all facts of the case in a manner that is fair and impartial to all persons.
The investigator will ensure the narrative of the report is concise and completely describes the allegations included in the complaint, all statements and evidence, and any other relevant information gathered during the investigation.

If during the investigation of the initial complaint it is disclosed or believed that other misconduct may have taken place, this misconduct will also be investigated. Depending on the circumstances under which the misconduct took place, a separate investigation may be required. The employee will be notified as to the investigation into the additional misconduct in either case.

At any time during an investigation, the complainant may withdraw their complaint. The director for professional standards and education will evaluate all information collected up to the point that the complainant decided to withdraw the complaint. Factors that will be considered in determining whether to proceed with the investigation, include but are not limited to:

- The seriousness of the original allegation(s).
- Reason(s) why the complainant desires to withdraw the allegation.
- Whether additional investigative leads exist.
- Impact to the complainant, employee, and the IUPD.

When the investigation is complete, the report will be forwarded to the director for professional standards and education who will review the report and render a determination pursuant to G4.2.11 Conclusion of Fact. If the allegation(s) is (are) sustained, the division chief of police may initiate corrective action as warranted in consultation with the superintendent for public safety, deputy superintendent for public safety and the senior director for public safety in accordance with Indiana University policy.

**Internal Investigation Procedures**

All employees, whether the subject of or a witness in a personnel complaint or internal investigation, will:

- Fully cooperate with the investigation process.
- Truthfully and completely discuss incidents under investigation.

Failure to comply with any of the above may subject the employee to corrective action, up to and including termination of employment with Indiana University.

Employees who are the subject of an investigation are entitled to representation. Employees who are interviewed as part of a complaint investigation, but are not the subject of the investigation, are not entitled to representation.
Interviews
The IUPD will adhere to Indiana Code 36-8-2.1-5 to include the following procedures when an employee who is the subject of the complaint investigation is being interviewed:

- The employee will receive a statement explaining the reason the interview is being conducted, and the statement will:
  - be received at least seventy-two (72) hours in advance,
  - state that the employee shall have the right to be represented by an attorney or other representative; and
  - state that the employee may be subject to corrective action.
- If the allegation is noncriminal, the employee will receive a copy of the complaint, if one exists.
- If the allegation is criminal, the employee will be informed of the nature of the complaint, however, they will not be provided the name of the complainant.
- The interview will be conducted at a reasonable hour, preferably at a time when the employee is on duty, unless, in the judgment of the investigator, the seriousness of the investigation requires an immediate interview.
- The interview may take place at the employee’s IU campus or an equivalent office setting designated by the investigator.
- The investigator will inform the employee of the name, rank, and assignment of the officer in charge of the investigation, the investigator, and all other persons present during the interview.
- Prior to conducting an interview with the employee who is the subject of an investigation, the investigator will provide the employee with the Garrity Warning and Statement of Rights to be signed by the investigator and the employee.
- The employee will have the right to be represented by an attorney or other representative during an interview. A representative or attorney may not participate in the interview, except to advise the employee. If the employee is represented by a union, additional guidance can be found in the applicable IU Human Resources policies regarding the role of the union representative during the interview.
- The interview session will be for a reasonable duration of time and will allow for personal necessities and rest periods as reasonably necessary.
- All interviews will be audio and video recorded. A written transcript will be provided to the employee upon request, and at no cost to the employee.
- If at the time of the interview the employee is under arrest or in custody, the investigator must completely inform the employee of their federal and state constitutional rights regarding self-incrimination prior to the commencement of the interview.
- The employee may not be required to waive any immunities under federal or state law at any point in an investigation.
- All questions asked during the interview must specifically, directly, and narrowly relate to the performance of duties or fitness for service as a public safety officer.
Evidence Collection
Evidence collection for internal affairs investigations involving IUPD employees will be conducted in accordance with applicable state laws and IUPD written directives.

An employee may be required to submit to medical and/or laboratory examination(s) at the expense of the IUPD when examination is specifically directed and narrowly related to a particular internal affairs investigation. Medical, psychiatric, or psychological examinations may be ordered at IUPD expense and in consultation with the senior director for public safety, if a question exists concerning fitness for duty.

An employee involved in an incident involving the death or serious physical injury to another person, or who is suspected of drug or alcohol use while on duty, may be required to undergo a certified chemical test and will comply with such testing and release of medical records if ordered as part of an internal affairs investigation.

Photographs may be taken of an employee for use during the investigation and may be used for viewing by citizens for the purpose of identification.

An employee may be required to submit financial disclosure statements when such documents are relevant to a particular internal affairs investigation.

An employee will be required to submit to being audio and/or video recorded.

Property belonging to the IUPD is subject to inspection at any time.
Relief from Duty
At any point during the complaint investigation process, the superintendent for public safety, in consultation with the deputy superintendent for public safety, director for professional standards and education, senior director for public safety, Indiana University Human Resources representative, and the appropriate division chief of police may determine whether to:

- retain the employee in their current assignment.
- temporarily relieve the employee from duty and place them on paid or unpaid administrative leave.
- temporarily assign the employee to other duties where there is close supervision and limited contact with the public or other police personnel.

A supervisor may immediately, temporarily, relieve an employee from duty where the safety of persons or security of property is threatened or to prevent disruption of the workplace. The supervisor will notify their chain of command as soon as reasonably practicable.

Related Information
Indiana Code
- IC 36-8-2.1 Rights of Public Safety Officers

Indiana University Policy
- HR-08-20 Corrective Action for Non-Exempt AFSCME Police Staff
- HR-08-40 Corrective Action for Staff Employees Not Covered By a Union
- HR-08-50 Corrective Action for Non-Exempt CWA Staff

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Superintendent for Public Safety