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An Analysis of the Effect of Time Limits on
Internal Affairs Investigations

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ABSTRACT

Internal affairs investigations at any law enforcement agency need to be conducted as quickly as possible, without sacrificing thoroughness. If this is to be done, should there be a time limit on how long an investigation may take? If so, what should that limit be? Would imposing a time limit lead to less thorough investigations?

The earliest internal affairs units were formed to investigate corruption of the agencies officers. However, due to the increased number of complaints that came with the social unrest of the 1960's and 1970's these units had to shift their main focus from investigating corruption to investigating citizens complaints of misconduct, mainly officer's use of force. This increase in complaints forced the existing units to be expanded and forced many agencies without formal internal affairs units to create them.

Internal affairs investigations need to be conducted as quickly as possible so the officers can concentrate on their duties rather than worry about what is going on with the investigation. The affects of the investigation do not end with the officer being investigated. The morale of the entire department may be affected by the investigation. To minimize these stresses, many departments have imposed time limits for internal investigations. However, there is not a universally accepted time limit among the departments. A survey of the officers of the Lubbock Police Department showed that the majority of the officers/corporals and supervisors believe there would be no adverse impact on internal investigations if a time limit were imposed. The majority of Lubbock Police supervisors believe a one-month limit would be acceptable, however the officers and corporals favor a two-week limit.

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Introduction

All persons involved in internal affairs investigations are greatly interested in getting the complaints resolved as soon as possible. Not all of the people will be satisfied with the outcome. However if they believe the investigation was fair, objective and completed in a timely manner they will most likely accept it. The officers themselves have a very high degree of interest in the outcome of the investigation because it has a direct impact on them, their families and their careers. Internal affairs investigations not only affect the officer(s) who are the subject(s) of the investigation, but also the other officers of the department are interested in the outcome. The other officers perceived fairness and thoroughness of the investigation along with the severity of any disciplinary action taken against those who are subject to the investigation will affect their future actions. Police administrators are also concerned with the internal investigations so they can effectively deal with any misconduct or corruption in their ranks.

All of these people expect and deserve a timely and thorough investigation and disposition of the internal affairs cases.

For officers to have confidence in the internal affairs investigations they must be shown that the investigation will be conducted in a timely, fair and impartial manner. All the persons involved in the internal investigation want the case to be resolved as quickly as possible. However, the thoroughness and fairness of the investigation must not be sacrificed for expediency. The officers must be aware that the police department and the community will hold their officers accountable for their actions. The only way this can be

accomplished is to have a person or unit that is charged with the responsibility of investigating citizen complaints and suspected corruption and misconduct.

The purpose of this study is to examine the effects of placing time limits on internal affairs investigations. Information on this subject will be gathered from books and journals written concerning internal affairs and surveys of sworn officers of the Lubbock, Texas Police Department. The surveys will be sent to officers, corporals and supervisors. They will be asked the same questions to see if there is a difference in opinion between the police officers and supervisors. The surveys will measure the officer's opinions of internal affairs investigation(s) that they have been the subject of, the thoroughness of the investigation, the findings of the investigation, the length of time the investigation took, how long an investigation should take, and what effect they believe a time limit would have on investigations.

It is hypothesized that this study will find that imposing time limits on internal affairs investigations will not have a negative impact on the investigations or the officer's perceptions of them. Law enforcement officials who are considering placing time restrictions on internal affairs investigations will be able to see how such restrictions may affect the investigations and their officers.

Review of Literature

To understand the constraints that internal affairs units operate under one must have an understanding of their history and evolution. The earliest internal affairs units were started in the late 1950s and early 1960s to investigate allegations of corruption in big city police departments. During the social upheavals of the middle and late 1960's, the tide of citizen complaints grew year by year. Citizens demanded not only corruption investigations, but review of the day-to-day

street activities of police, especially regarding the use of force. Police departments were forced to establish many new internal affairs units, in both large and small cities and to shift their focus from corruption to citizen complaints (Krajick, 1980). Prior to the increase of citizen complaints the internal affairs investigations focused mainly on police corruption and criminal behavior.

These smaller units were sufficient for the responsibilities that they had at the time, however the increase of citizen complaints necessitated the addition of investigators or creation of units dedicated to investigating citizen complaints.

The most time consuming task of internal affairs units is investigating citizen complaints (Krajick, 1980). While citizen complaints may create a need for more internal affairs resources they should be welcomed and investigated thoroughly. Areas of concern can be uncovered and dealt with before they become a major problem through a properly managed internal affairs process. Citizen complaints can serve as quality control for police service because the citizens represent the customers who purchase police service with their tax dollars. Complaints demonstrate the need for improved training in certain areas, uncover problem employees, and identify areas of potential legal liability (Johnson, 1998).

Many police executives were and are reluctant to ask their governing bodies for additional personnel for internal affairs investigations. They fear that the need for these additional officers will reflect negatively upon them. They believe a request for additional internal affairs resources will be a signal that their department is out of control and full of corruption. Some misguided administrators may believe that conducting a vigorous internal investigation is tantamount to admitting failure. The opposite, of course is closer to the truth (Bopp, and Whisenand, 1974). The chief must insist on holding officers accountable for violation of laws, policies and procedures. To do this he must have an adequate staff and

resources to conduct competent, complete and timely investigations. If an executive fails to adequately staff the internal affairs unit with the most advanced equipment, the highest-caliber personnel, sufficient overtime and other resources to investigate allegations of misconduct, the message being sent throughout the organization is that these types of investigations are not a high priority (Rothhein, Lober, 1996). The officers and the citizens must know that the chief takes internal investigations very seriously. The emphasis that the chief places on these investigations reflects his or her personal beliefs and values. The chief's job security often hinges on how his values and beliefs reflect themselves in the way he runs his department so it is in his best interest to let his officers and the public know that he will not tolerate corruption within his ranks and that when it is found it will be dealt with swiftly and certainly.

The first and most critical step a police executive in any size department must take is to establish expectations of conduct. Every employee, both sworn and civilian, must understand that the organization will not tolerate unprofessional conduct and that appropriate action will be taken when it is uncovered (Courtney, 1996). Naturally, any type of internal investigation within a police organization will have a substantial impact upon the agency, reaching well beyond the officers who are the focus of the investigation. When the internal affairs process is consistent and functions properly, credibility within the organization will increase, fostering positive morale and values. Chiefs generally expect their Internal Affairs Divisions (I. A. D.'s) to do rather more than simply satisfy the requirements of the law. They expect them to back up the publicly stated position that the chief is determined to deal swiftly and effectively with police officers who are corrupt, violent, disobedient or neglectful (Sparrow, 1992). The officers that work for the law enforcement agency must realize that the investigators are working for the Chief to enforce the department's rules and values, as determined by the Chief. Much of the

unit's effectiveness is dependent on others in the agency recognizing that it acts as an extension of the manager (Bopp, and Whisenand, 1974).

One of the most important aspects of a high-quality internal affairs process is timely resolution of complaints. Prompt investigation and disposition of cases maintains the integrity of the department by addressing the problem (real or perceived), helping satisfy the complainant's concerns, allowing the accused employee to return quickly to focusing on the job rather than the investigation and boosting the department's morale (Courtney, 1996). A timely disposition of a complaint is beneficial for everybody concerned with the investigation and this may even extend outside of the department to the officers family and friends as well as the community at large if it is a high profile investigation. When the internal affairs unit completes a thorough investigation in a reasonable amount of time it demonstrates to the citizens, officers and the community as a whole that the police department will not sweep allegations of wrong-doing under the rug and that they will be dealt with appropriately. Chief Raymond C. Davis states in Department Order 20:

"As police officers we must professionally and objectively investigate all citizen complaints as expeditiously as possible in order to arrive at all the facts which will quickly clear the officer's name or substantiate the citizen's complaint, whichever is appropriate" (Bopp, and Whisenand, 1974).

Officers often complain that the investigation process drags on too long. When an officer is under investigation he is constantly concerned with the possible outcome, especially if the complaint is not true. In fact, many complaints--perhaps as many as two-thirds of the total--are motivated by something other than a genuine grievance; for example, a complainant's desire to exercise malice, obtain revenge, thwart or obstruct a prosecution, obtain some political gain or obtain unmerited police attentions (Sparrow, 1992). These investigations and their dispositions can have a profound effect on the officer, his career and his family. For these reasons the

investigation process must be swift, certain and fair (Bopp, and Whisenand, 1974). While there is no standard for how long internal affairs investigations should take, they must be completed in a reasonable amount of time, depending on the complexity of the case. However, the Commission on Accreditation for Law Enforcement Agencies, Inc (CALEA) states that one of the requirements for an agency to receive its accreditation is that it must have a written directive which specifies a 30 day time limit for completing an internal affairs investigation, with status reports due every seven days. It further states that the impact of an internal affairs case on the integrity of the agency and on employee morale necessitates a speedy resolution to such issues. There may be exceptions to the 30-day limit, but extensions should be granted only in those cases in which extenuating circumstances exist (Commission on Accreditation for Law Enforcement Agencies, Inc., 1989).

Many law enforcement agencies have time limits for internal affairs investigations specified in their procedure manuals, however they may vary from department to department and/or by the seriousness of the allegation. However, the Tyler, Texas police department General Order 03.400 has two classifications of complaints. "Class 2" complaints and "summary violations" which are minor infractions of department rules or procedures are investigated by the officers immediate supervisor and these complaints have an investigative time limit of 15 working days. If the investigation cannot be completed in time, the division commander may grant an extension. "Class 1" complaints are investigated by the internal affairs officer, these investigations must be completed within 30 days and status reports must be made to the chief of police every seven days. If the investigation cannot be completed within this time limit the chief may grant an extension (Tyler, TX. Police Department, 1999).

The Waco, Texas Police Department order number 45.01 sets a "goal" of completing every investigation within thirty days. This police department recognizes the stress that an investigation causes and states in their police that the officer who is being investigated is allowed to contact the investigating officer at "reasonable times and intervals" to check the status of the investigation (Waco, TX. Police Department, 1998). The Missouri City, Texas police department Policy Number PD014 calls for investigations to be completed within thirty days "whenever possible". The Chief of police may grant extensions, but they "should not exceed fifteen calendar days". If an extension is granted the complainant and the officer who is being investigated must be notified of the extension within three days (Missouri City, TX. Police Department, 1999). This policy recognizes that the persons who are directly affected by the investigation have a definite need to know how long the investigation is going to take and if the process is going to extend beyond the time limit. In doing this they will not be unduly stressed and will know when to expect the complaint to be resolved. The Dallas-Fort Worth, Texas, Department of Public Safety Disciplinary Process Section 502 requires investigators to complete the investigation within thirty days following the receipt of the complaint. There is no provision for an extension in this policy (Dallas-Fort Worth, Texas, Department of Public Safety, 1999). The Lubbock, Texas police department has no policy setting a time limit for an internal investigation (Lubbock, Texas, Police Department, 2002). In their textbook, Bennet and Hess state that an internal investigation should have a time limit such as 120 days, with a onetime 30 day extension possible (Bennet, and Hess, 2001).

All of the law enforcement agencies that have set time limits for their internal investigations realize that they have a duty to the citizens and their officers to conduct the inquiries in a timely manner while assuring a fair and thorough examination of the facts. Those

agencies that do not have a time limit placed on internal affairs investigations should strongly consider adopting one.

Methodology

This study is to determine what a reasonable time limit for internal affairs investigations should be, and what the effects of placing such time limits on internal affairs investigations would be. It is believed that placing time limits on the investigations would not have a negative impact if the internal affairs supervisor or chief of police may grant extensions if needed.

This research was conducted by distributing 285 surveys to sworn officers of the Lubbock, Texas Police Department. Of the 285 surveys distributed 166 were completed and returned for a response rate of 58.24 percent, of the 166 surveys that were returned 44 were from supervisory officers (sergeant and above), the remaining 122 surveys were from officers and corporals. The officers and corporals were grouped together because there is no difference in the work that they do and Corporals have no supervisory responsibilities.

The purpose of differentiating between officer/corporals and supervisors is to determine if there is a difference between these two classes of police officers in the perception of internal affairs investigations and how time limits might affect them. The police officers were asked if they believed that the complaints that were made against them were investigated thoroughly and if they were satisfied with the investigations findings. The purpose of these questions was to determine if the officer's satisfaction with the investigations findings was influenced by the perceived thoroughness of the investigation.

Officers were also asked if they believed the length of time taken to complete the investigation was reasonable. The purpose of these questions was to determine if there is a

correlation between the officer's satisfaction with the investigation and the amount of time that was taken to complete the investigation. The police officers were also asked how long they believed an internal affairs investigation should last and what effect they believe a time limit would have on an investigation.

The responses to the survey questions will be separated into two groups, supervisory and non-supervisory. They will then be broken down to determine what the most widely accepted length of time for investigations would be.

Findings

The earliest internal affairs units were created in the late 1950's and early 1960's to investigate corruption in big city police departments. However, during the social unrest during those times the number of complaints from citizens rose dramatically. The citizens were complaining about the police officers day to day activities but were especially adamant about the polices use of excessive force. The internal affairs units were forced to shift their focus from corruption investigations to investigating citizen complaints (Krajick, 1980).

Because the most time consuming task of internal affairs units is the investigation of citizen complaints this necessitated the expansion of existing internal affairs units and the creation of these units in departments that did not have one (Krajick, 1980). Citizen complaints may be time consuming and labor intensive, but they should be welcomed. The complaints can serve as a quality control device. Monitoring the nature of the complaints may identify areas of training that need improved, problem employees and areas of possible civil liability (Johnson, 1998).

Some police executives are reluctant to ask their governing bodies for additional resources for internal affairs functions. They see it as signaling that there is a problem in their department. Some administrators may believe that conducting a vigorous internal investigation is tantamount to admitting failure (Bopp, and Whisenand, 1974). However, to hold his officers accountable for violation of laws, policies and procedures and maintain an effective department the chief must establish what is expected of his officers and have adequate resources and staff to conduct competent, complete and timely investigations (Rothein, Lober, 1996).

The first and most critical step a police executive must take is to establish expectations of conduct (Courtney, 1996). When the internal affairs process is consistent and functions properly, credibility within the organization will increase, fostering positive morale and values. Chiefs expect internal affairs units to back up the publicly stated position that the chief is determined to deal swiftly and effectively with police officers who are corrupt, violent, disobedient or neglectful (Sparrow, 1992).

An important aspect of a high quality internal affairs process is the timely resolution of complaints. Prompt investigation and disposition of cases maintains the integrity of the department by addressing the problem, helping satisfy the complainant's concerns, allowing the accused employee to return quickly to focusing on the job rather than the investigation and boosting the department's morale (Courtney, 1996). Although many authors advocate a quick and timely internal affairs investigation there is very little written concerning how long an investigation should take. However, the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) states that agencies should have a written directive that specifies a 30 day time limit for completing an internal affairs investigation, with status reports due every seven days. However, extensions should be granted only in cases in which extenuating

circumstances exist. A survey of Lubbock Police officers found that of the 166 officers who responded (Officers, Corporals and Supervisors combined) 111 (66.86%) believe the complaints that were made against them were investigated thoroughly (See Figure 1).

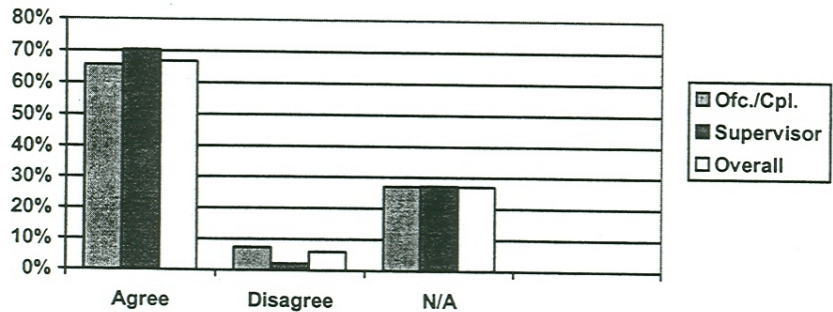


Figure 1. I believe the complaint (s) made against me was/were investigated thoroughly.

10 (6.02%) believed they were not, the remaining 45 (27.10%) had not been the subject of an internal affairs investigation. The officers were asked to respond to the statement "I am satisfied with the findings of the internal affairs investigation(s)" and rate their satisfaction on a scale of 1 to 5, with 1 being "strongly disagree" and 5 being "strongly agree" (See Figure 2).

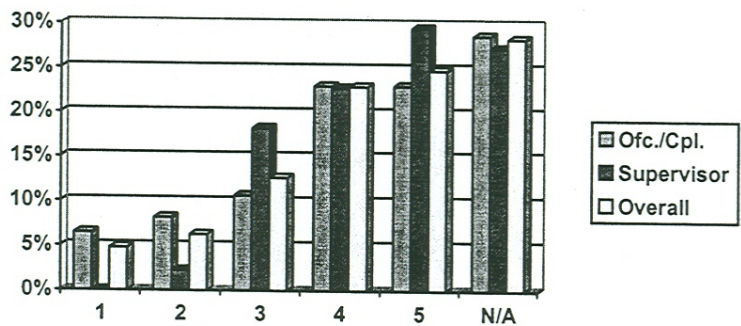


Figure 2 I am satisfied with the findings of the internal affairs investigation(s).

Of all the responses 8 (4.81 %) strongly disagreed, 11 (6.26%) disagreed, 21 (12.65%) were neutral, 38 (22.89%) agreed, 41 (24.69%) strongly agreed and 47 (28.31 %) had not been the

subject of an internal investigation. When asked if they believed the time it took to complete the investigation was reasonable (See Figure 3) 82 (49.39%) agreed, 38 (22.89%) disagreed, 45 (27.10%) had not been the subject of an internal investigation and 1 (0.60%) did not respond to the question.

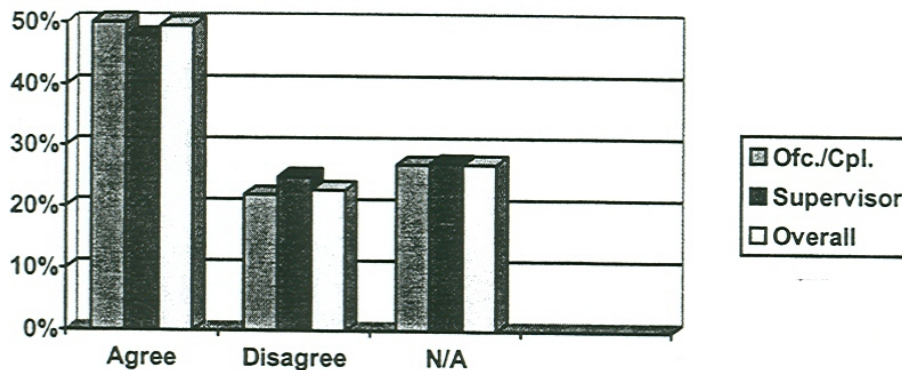


Figure 3 The length of time it took for the complaint(s) against me to be investigated was reasonable.

The officers were asked what effect they believed a time limit would have on internal investigations (See Figure 4). 29 (17.46%) believed they would be less thorough, 12 (7.22%) believed they would be more thorough, 120 (72.28%) believed they would be about the same and 5 (3.01 %) did not respond to the question..

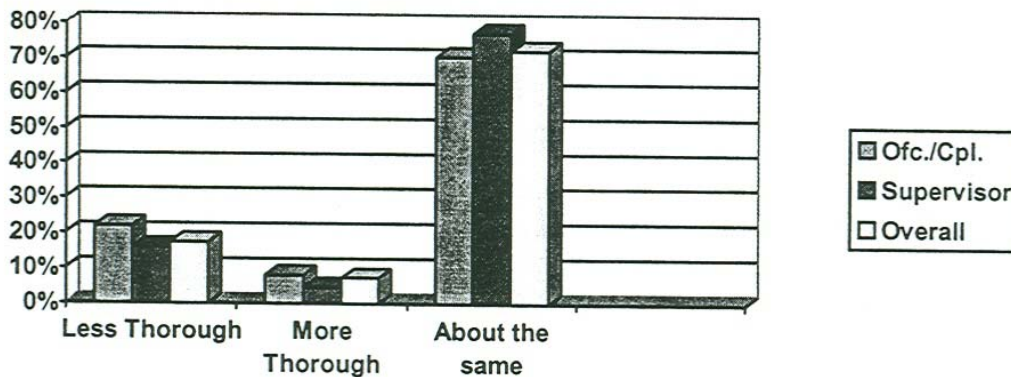


Figure 4 A time limit on internal affairs investigations would lead to investigations that are less thorough / more thorough / about the same.

The officers were asked to respond to the following statement, "An internal affairs investigation should not be allowed to last more than (blank days, weeks or months) with out the approval of the Chief of Police (See Figure 5). 1 (0.81 %) said one day. 1 (0.81 %) said three days. 12 (7.22%) said one week. 40 (24.09%) said two weeks. 8 (4.81%) said three weeks. 4 (2.40%) said six weeks. 37 (22.28%) said one month. 6 (3.61 %) said two months. 3 (0.60%) said three months. 2 (1.20%) said six months. 27 (16.26%) said there should be not time limit. 24 (14.45%) did not respond to the question.

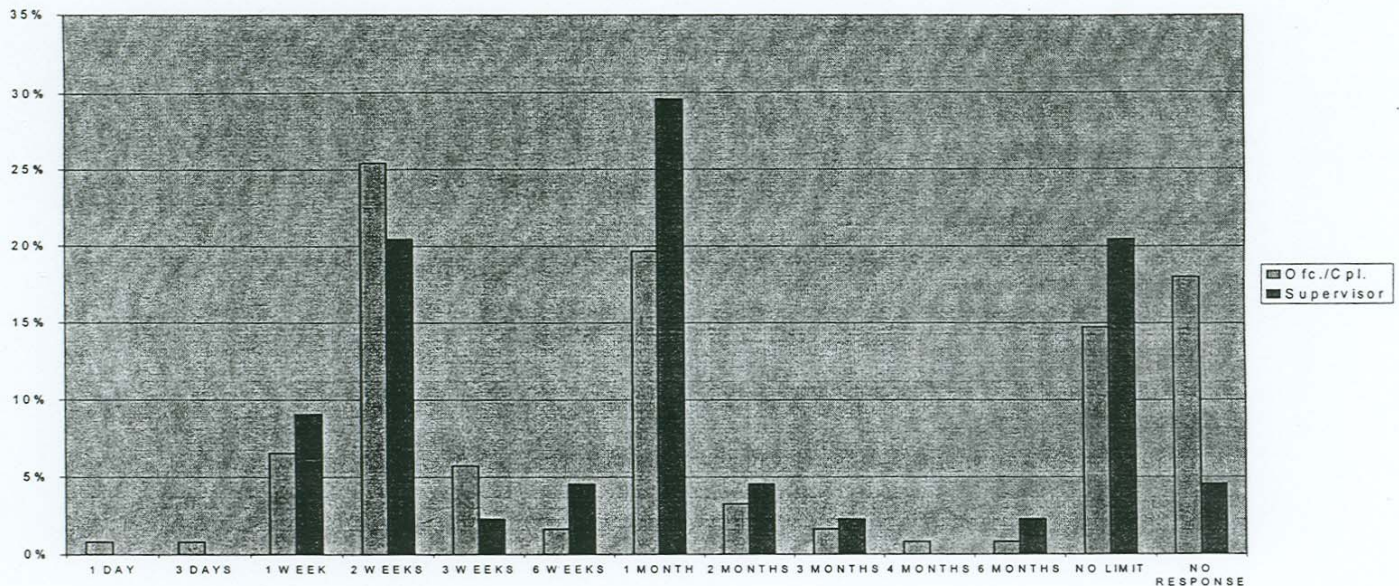


Figure 5 An internal affairs investigation should not be allowed to last more than without the approval of the Chief of Police.

Conclusions

The goal of this research is to find what a reasonable amount of time for conducting internal affairs investigations would be, as well as what officers would perceive as being

reasonable. Also what would the effects of placing time limits on internal affairs investigations be. The study measured the officer's opinions of internal affairs investigation(s) that they have been the subject of, the thoroughness of the investigation, the findings of the investigation, the length of time the investigation took, how long an investigation should take, and what effect they believe a time limit would have on investigations.

It was hypothesized that this study will find that imposing time limits on internal affairs investigations would not have a negative impact on the investigations or the officer's perceptions of them. Law enforcement officials who are considering placing time restrictions on internal affairs investigations will be able to see how such restrictions may affect the investigations and their officers. However, what was found was that there are few publications that address conducting internal affairs investigations. And few that are available only address the question of how long an internal affairs investigation should take in broad terms, most only state that the investigation should be concluded as quickly as possible. On the other hand, there was one publication that stated there should be a thirty-day time limit with status reports every seven days. A timely resolution of complaints benefits all the persons involved in the investigation including the chief of police, the department as a whole and the community. The chief must demonstrate to the community, and his officers through the internal affairs process that he will not tolerate corruption in his department. He must establish an expected level of conduct for his officers and give adequate resources and staff to his internal affairs unit so complaints can be, investigated as thoroughly and as quickly as possible. When an internal affairs unit has adequate resources the officers and citizens will see that the chief views complaints as a priority and that they are taken seriously, thus bolstering their faith in the department. When the involved officers are disciplined and the other officers see the aberrant behavior punished they will avoid

similar actions. However, the internal affairs process must also demonstrate that if the officer was wrongly accused that his name will be quickly cleared.

For the officers or the citizens to have confidence in their department the internal affairs unit must gather all the facts concerning an incident as quickly as possible so the chief can arrive at the proper decision and either clear the officer's name or sustain the complaint and administer appropriate discipline. A survey of the Lubbock Police Department found that the majority of officers believe the complaints made against them were investigated thoroughly and they were satisfied with the investigation's findings, although there is currently no time limit for internal affairs investigations for the Lubbock Police Department. However, the majority officers also believe the length of time the investigation took was reasonable. The vast majority of officers believe that the quality of the investigations would be about the same if a time limit were imposed.

There was a difference of opinion between the officers/corporals and the supervisors on what a time limit on an internal affairs investigation should be. The majority of officers/corporals believe the time limit should be two weeks. However, the majority of supervisors (sergeant and above) believe the time limit should be one month before the chief may grant an extension. Due to internal affairs investigators caseloads and the logistics of conducting the investigation and preparing the reports a one-month time limit is the most reasonable. The supervisor's opinions for a time limit are also consistent with that of most of the sampled departments that have imposed time limits and the Commission on Accreditation for Law Enforcement Agencies. This study's findings are consistent with the hypothesis; a time limit would not affect the quality of the internal affairs investigations or cause the officers perceptions of the investigations thoroughness or objectivity to be negatively impacted.

This study is specific to the Lubbock Police Department. Officers from other departments may have different perceptions of the internal affairs process in their agencies, therefore time limits may have a different impact on them. Other agencies that may be considering placing a time limit on their internal affairs investigations will find the information in this study useful. It will give them insight on what their officers may view as a reasonable time limit and the benefits of having a properly staffed and equipped internal affairs unit that can quickly gather all the facts of an incident.

REFERENCES

Arnold, J. (1998). Internal Affairs Investigation, The Supervisors Role. F.B.I. Law Enforcement Bulletin. 67. (1)11-23.

Bopp, W., & Whisenand, P., (1980). Police Personnel Administration. Boston, MA: Allyn and Bacon, Inc.

Bennett, Wayne and Hess, Karen (2001) Management and Supervision in Law Enforcement Bloomington, MI: Wadsworth

Commission on Accreditation for Law Enforcement Agencies Inc., (1989). Standards For Law Enforcement Agencies. The Standards Manual of the Law Enforcement Agency Accreditation Program. Fairfax, VA: Commission on Accreditation for Law Enforcement Agencies, Inc.

Courtney, K. (1996). Internal Affairs in the Small Agency. F.B.I. Law Enforcement Bulletin. 65. (9)12-15.

Dallas Fort Worth, Texas Airport Department of Public Safety (1999). Disciplinary Process, General Directives (Section 502.03.02).

Johnson, R. (1998). Citizen Complaints, What the Police Should Know. F.B.I. Law Enforcement Bulletin. 67. (12) 1-5.

Krajick, K., (1980). Police vs. Police, No one knows much about internal affairs bureaus, so everyone distrusts them. Police Magazine. 3. (3)6-20.

Lubbock, Texas Police Department (2002). Internal Affairs, Procedures Manual (Procedure Number 1.17)

Missouri City, Texas Police Department (1999). Complaints Against Police Personnel, Policies and Procedures (Policy Number PD014).

Rothlein, S. & Lober, R. (1996). Ramifications of Internal Affairs Investigations. Police Chief. 63. 37-40,42.

Schobel, G., (1996). What Drives the Internal Affairs Investigator? Police Chief 63. 45-48,50.

REFERENCES

Sparrow, K., & Kennedy, J., (1992). Complaints Against Police and Departmental Management Making the Connection. Police Chief 59, 65-73.

Tyler, Texas Police Department (1993). Internal Affairs. General Orders (General Order Number 03.411)

Waco, Texas Police Department (1998). Internal Affairs. Policy and Procedure (General Order Number 45.01)