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# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

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SUBJECT: Internal Investigations

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REFERENCE: CALEA Ch.52

CROSS REFERENCE:

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#### I. PURPOSE

- A. The Internal Affairs Unit investigates complaints against employees of the Department.

#### II. RESPONSIBILITY

- A. The Internal Affairs Unit is charged with the responsibility of investigating allegations of misconduct against any employee, sworn or civilian, of the Department. Such complaints may be filed by the public or other employees of the Department.
- B. The Internal Affairs Unit shall undertake any investigation that may be assigned by the Chief of Police.
- C. The Internal Affairs Unit will review all complaints against officers of the Department, and will determine the nature of all complaints received (criminal, administrative, or other contact).
1. The Chief of Police or Deputy Chief, may initiate administrative and criminal investigations. These investigations will be known as criminal special or administrative special depending on the nature of the complaint.
- D. The Internal Affairs Unit maintains a record of all complaints against the Department or employees. All records will be maintained in a secure location to protect the confidentiality of all such files.
- E. The Internal Affairs Unit is a component of the Office of the Chief of Police. In the course of normal business, the Internal Affairs Unit Commander reports to the Executive Officer of the Chief of Police. However, the Internal Affairs Unit Commander has the authority to report directly to the Chief of Police concerning matters of internal investigations when appropriate.

### III. CRIMINAL COMPLAINTS

- A. Any complaint that is filed against an employee of the Department that alleges a violation of City Ordinances, Federal Law, or State Statute that could result in criminal prosecution will be labeled "CRIMINAL COMPLAINT". Such cases will be forwarded to the appropriate prosecuting attorney for review concerning the possible filing of criminal charges against the employee. The employee who is the subject of a criminal complaint shall be advised of his rights pursuant to the appropriate legal procedures as dictated by the United States Supreme Court and the rights granted by the State of Kansas and the United States. Any employee who has been informed of such complaint may exercise their rights without fear of Department action against them for their decision.
1. Investigation and commencement of prosecution for an internal criminal investigation will be completed within the limits established by KSA 21-5107.
  2. A criminal complaint that does not result in a criminal conviction does not preclude the Department from taking administrative action against the member.

### IV. ADMINISTRATIVE COMPLAINTS

- A. Administrative Investigation. Any complaint that is filed against a member of the Department that does not fall under the criminal category, is reduced from the criminal category or is an allegation of a violation of the Rules and Regulations or General Orders of the Department will be investigated as an administrative complaint.
1. Employees who are the subject of an administrative complaint must answer any questions regarding the specific complaint.
  2. If, during the interview of an employee accused in an administrative complaint, the employee incriminates himself in a criminal matter, or other factors indicate that a crime has occurred, the interview will be stopped and the accused employee will be advised of his/her Miranda rights.
- B. Other Contact. Any complaint that is determined by the Internal Affairs Unit Commander to be an allegation of a minor violation may be investigated by the accused member's Supervisor. The Chief of Police will be notified of each complaint. The employee who is the subject of the complaint will be notified through their Division Commander and the employee may be directed to respond in writing to the complaint.
1. If discipline is imposed resulting from an Other Contact Investigation, it must be done so within fourteen (14) calendar days from the date the Other Contact Complaint became known.
- C. Representation. Any member who is the subject of an Administrative Investigation, or Other Contact, is entitled to lodge representation as afforded in the Memorandum of Understanding, Article 13, Section 13.2 (a). A member who declines representation will sign a waiver acknowledging their decision to not have representation.

## V. INITIAL COMPLAINT RESPONSIBILITIES

- A. In addition to any other procedures, at the initial contact with the complainant, IAU investigators will:
  - 1. Provide the complainant with a Citizen Complaint Receipt, and
  - 2. Advise the complainant that they will receive a letter notifying them of the outcome of the investigation or a status report in sixty (60) days if final disposition has not been made.
- B. The Internal Affairs Unit Commander will review every complaint that is filed to ensure that it is properly processed.
  - 1. If a complaint is of a grave or very serious nature, the Commander will insure that the Chief of Police, or his designate, is immediately notified.
  - 2. A primary incident report will be given to the Chief of Police every workday morning on all administrative and criminal complaints received the previous day.

## VI. WITNESS MEMBERS

- A. Any member who at the time of their interview is believed to be a "witness only" must answer all questions pertaining to the Criminal or Administrative Investigations and is not entitled to counsel or representation.

## VII. INVESTIGATION GUIDELINES

- A. Notification of Supervisors
  - 1. In all internal investigations the respective Bureau Director or his designate shall be notified when one of their subordinates is to be questioned by an IAU Investigator.
  - 2. This provision may be waived by the Chief of Police under circumstances where the Chief finds it appropriate.
- B. Scheduling of Interviews
  - 1. Every effort will be made to schedule interviews on a fair and equitable basis. When an interview is required during an employee's off-duty time, the employee shall be compensated for such off-duty time.
  - 2. Employees will be contacted either personally, by telephone, or by letter to schedule the required interview, and, consistent with the necessities of the investigation, every effort will be made to accommodate the officer.
  - 3. If it is necessary for an employee to accompany an IAU Investigator, an effort will be made to avoid embarrassing the employee.
  - 4. The interview shall take place at a location designated by the interviewing investigator, usually the Kansas City, Kansas Police Department IAU Office.
- C. Interview Sessions
  - 1. An employee under investigation will be informed of the rank, name and command of the officer in charge of the investigation, the interviewing officer and all persons present during the interview. Questions

directed to the employee being interviewed generally will be asked by one investigator. Exceptions may be made in the case of Officer Involved Critical Incident Team investigations.

- 2. During the interview, questions will be restricted to circumstances surrounding the incident under investigation. In the event other facts are discovered during the interview, further questions may be asked.
- 3. An employee under investigation will be informed in writing of the nature of the investigation prior to the interview, and will be informed of the names of all complainants unless there is some compelling reason to the contrary.
- 4. Employees shall be informed of their rights to take notes during the interview.
- 5. The employee to be interviewed will be informed that the interview will be recorded and reduced to writing.
- 6. The line of questioning used by Department investigators will be, in all instances, pertinent to the issues of the investigation. Broad questions such as, "Have you ever violated Department regulations, etc." will not be allowed.
- 7. Questions will be within the area of knowledge thought to be possessed by the employee, and no devious techniques will be employed during interviews.
- 8. If an interview extends through a normal meal period, the employee being interviewed will be afforded the opportunity to order food and eat it in a quiet atmosphere without continuation of the interview at this time. Employees shall be granted opportunities to satisfy other personal needs as necessary.
- 9. In cases where it is necessary to conduct an internal investigation beyond the normal tour of duty, or during off-duty time, the employee involved may make telephone calls to such persons considered necessary needing immediate information about any delay. The employee may be ordered not to disclose the subject matter of the investigation.
- 10. The Department will not release an employee's home address, telephone number or photograph without their consent.
- 11. All interrogations must be tape recorded and there shall be no "off the record" questions.
- 12. In instances where an employee is giving a statement in an administrative investigation or as a witness in a criminal investigation and refuses to answer questions which are pertinent, the IAU investigator will stop the interview. A written direct order to answer will be given by the Chief of Police through the IAU Investigator or the Internal Affairs Unit Commander to the employee to answer the question. In the event the Department employee still refuses to answer the question, the employee will be cited for insubordination.
- 13. At no time shall the employee under investigation be subjected to abusive language or threatened in any manner.
- 14. Nothing in the above protection, however, shall preclude the interviewing officer from informing the

employee that refusal to obey a lawful order from a ranking officer may result in disciplinary action.

15. If an employee lies during an Internal Affairs investigation they will be terminated.
16. Employees who are witnesses or accused will not discuss any aspect of the investigation with other employees, except their lodge representatives.

D. Truth Verification Examination

1. At the direction of the Chief of Police or a designated representative, any Department member may be required to submit to a truth verification examination to clarify any matter concerning a Department investigation. Only the truth verification examiner and the subject of the examination will be present during the test. An employee who is represented by the FOP who is subject of the examination may request representation during any pre-test or post-test interviews or interrogations.
  - a. A Polygraph, Psychological Stress Evaluator or Computer Voice Stress Analyzer instrument will be used, depending on availability of the examiner.
2. If an employee refuses a truth verification examination as part of an administrative investigation, which is ordered by the Chief of Police, the employee may be cited for insubordination.
3. The truth verification should not be given to an individual who is not physically and/or mentally fit in the judgment of the examiner.
4. Employees will not be subjected to accusatory statements during a truth verification examination.
5. Each individual truth verification situation will have to be evaluated on its own merit. In the event of any conflict, all questions will be resolved in favor of fairness to the employee.
6. No employee shall be compelled to submit to a truth verification examination in a non-criminal matter in the absence of corroborating evidence. If the corroborating evidence is merely the statement of an accused non-departmental claimant it must be required that the complaining party submits to a truth verification examination prior to the employee.
7. The truth verification examination shall be for investigative purposes and normally limited to the matter under investigation.

E. When an IAU investigator believes it is necessary and appropriate to do so in a non-criminal case, the investigator may request that an order be issued from the Chief of Police or his designate directing an officer to submit to any of the following: medical tests; ballistics tests; chemical or other tests; photographs; participation in a line-up; and financial disclosure statements.

F. Concluding Activities

1. Employees shall read, sign and date any document pertaining to the results of an investigation prior to it being placed in the file.
2. If individuals who make false complaints against Department employees can be prosecuted without impairing the essential confidentiality of, and surrounding investigation of, the IAU and Criminal

Investigation Units, the Department shall seek to have such cases prosecuted.

3. When an employee is the accused in an investigation, the employee will be notified of the outcome of the investigation. The complainant will also be notified of the outcome of the investigation.
4. Employees may inspect their statistical records in the Internal Affairs Unit upon reasonable request.
5. After the transcript of the statement has been reviewed for accuracy and signed the employee's shall, at their request, be given a copy of any statement personally given by the employee to an IAU investigator,.
6. Nothing in this General Order may be construed as an attempt to alter or change the meaning of those articles of the Memorandum of Understanding relating to Internal Investigations.