

Exhibit H

The Memphis Police Department Inspectional Services Bureau

Standard Operating Procedures Manual



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CHAPTER 4 Types of Complaints

- 4.1 Complaints Handled by Line Supervisors
- 4.2 Complaints Handled by Inspectional Services
- 4.3 Incident Reports Reviewed by Inspectional Services

4.1 Complaints Handled by Line Supervisors

The type and nature of the complaint will determine whether it will be handled at the supervisory level or be referred to Inspectional Services. Line supervisors should handle allegations originating from the workstation that do not involve force, property damage, or injury and are generally minor in nature. Examples of these types of violations may include: **(52.2.1a)**

- 1. Tardiness
- 2. Courtesy or personal conduct (use of profanity or unprofessional conduct)
- 3. Improper radio procedures
- 4. Grooming
- 5. Vehicle Operation

4.2 Complaints Handled by Inspectional Services

If the complaint involves an allegation of excessive force, property damage, injury or criminal misconduct, the Inspectional Services Bureau must handle it. Inspectional Services investigations will be classified into one of the following categories: (52.2.1 b)

1. Internal Affairs Complaint

INTERNAL AFFAIRS COMPLAINTS (NUMBERED CASE): A case number will be assigned to IAB complaints on serious MPD or City of Memphis Policy violations or on cases that will require an in-depth investigation that cannot be handled at the work station. The unit supervisors will make the determination if a case is assigned an IAB number.

Example of an IAB number: I2012-006

The "I" denotes an Internal Affairs Case, 2012 represents the year, and the last three digits indicate the file number.

2. Security Squad Complaint

SECURITY SQUAD COMPLAINTS: These are investigations of incidents which may be reviewed by the Shelby County Attorney General's Office that may or may not result in the case being presented to a Grand Jury. In addition, the unit supervisors will make the determination if a case is assigned a Security Squad number.

Example of a Security Squad number: S2012-001

The "S" denotes a Security Squad Case, 2012 represents the year, and the last three digits indicate the file number.

3. Security Squad Shooting Investigation

SECURITY SQUAD FIREARM DISCHARGE INVESTIGATIONS: These are investigations where a commissioned officer of this department has discharged a firearm. The unit supervisors will make the determination if a case is assigned a Security Squad Firearm Discharge number.

Example of a Security Squad Shoot number: FD2012-001

The “FD” denotes a Firearms Discharge Case, 2012 represents the year, and the last three digits indicate the file number.

4. Additional Employment Office Investigation

ADDITIONAL EMPLOYMENT INVESTIGATIONS: These are investigations where a commissioned officer of this department has allegedly violated the Additional Employment policy of this department.

Example of an Additional Employment number: AE2012-001

The “AE” denotes an Additional Employment Case, 2012 represents the year, and the last three digits indicate the file number.

5. Miscellaneous Reports

Miscellaneous Reports: The purpose of the Miscellaneous Report is to document calls and walk in complaints where there is clearly no policy violation. The report’s sole purpose is to document the contact the citizen had with ISB. An example would be a citizen receives a traffic ticket and either calls or walks in to make a complaint. During the interview the citizen states the officer was not rude, etc., but only states they should not have received the ticket or was not speeding etc. Since there is no policy violation and the matter of the ticket is a court issue, a miscellaneous report would be taken.

A Miscellaneous Report will NEVER be sent out in Blue Team! If the information contained in the Miscellaneous Report is relevant information and the information needs to be passed to a workstation commander, then an ISB LT will send that information to them via regular email.

Example of a Miscellaneous Report number: MISC2014-001

The “MISC” denotes a Miscellaneous Report, 2014 represents the year, and the last three digits indicate the file number.

ISB will investigate complaints of violations of City Policy & Procedure and/or criminal activity by other City of Memphis division employees, on-duty or off-duty, only as directed by the Director of Police Services.

4.3 Incident Reports Reviewed by Inspectional Services

Inspectional Services routinely reviews and files Incident Reports submitted by line supervisors that may involve a complaint of misconduct. These reports are available in the event further information is needed about the incident or to assist the investigator if an investigation is initiated. **(52.1.1c)**

Chapter 8 The Investigation

- 8.1 Evidence
- 8.2 Search & Seizure
- 8.3 Case Disposition
- 8.4 Statement of Charges
- 8.5 Case Routing
- 8.6 Case Status
- 8.7 Case Timelines

8.1 Evidence

As a rule, investigative techniques of evidence gathering, collection and preservation in Criminal and Administrative investigations should be the same.

Reference: MPD P&P, Chapter V, Section 1: Security of Crime Scenes

Rules of Evidence

1. Physical
MPD employee items seized as evidence should be tagged in the MPD Property & Evidence room
2. Photographic

Administrative Investigations

- a. All complainant injuries and alleged injuries must be photographed as soon as possible. Areas of alleged injury should be photographed even though there is no visible injury.
- b. All officer injuries received in an incident with a suspect must be photographed as soon as possible.
- c. ISB Investigators should consider the gender of the complainant or officer, if photos are required of sensitive areas
- d. All photographic evidence should be properly logged, identified and included in the ISB case file.

Criminal Investigations

- a. MPD Crime Response should be utilized to process crime scenes.

8.2 Search & Seizure

There are circumstances requiring Searches & Seizure during Administrative and Criminal Investigations involving ISB.

Searches are achieved utilizing Consent Searches, Search Warrants and in some circumstances a direct order.

1. Searches of MPD employees' personal property must be handled in accordance with legal standards of law.
2. In cases involving employee's personal records (i.e. financial disclosure statements), the employee can voluntarily submit those documents. Otherwise, the rules of criminal procedure will apply. **(52.1.7d)**

8.3 Case Disposition

1. The ISB Investigator will gather all evidence, support data, and documentation pertaining to the complainant's allegation. The Investigator will then assess all the facts and circumstances, and make a determination as to the investigative findings. From those findings, the Investigator will determine the complaint case's disposition, which will be substantiated by the facts of the investigation.
2. ISB Supervisors are briefed on final disposition recommendations prior to submission of the completed case.
3. Whenever the disposition of a case reveals a need to adjust or modify policy or training, the Commander of the Inspectional Services Bureau will submit a written recommendation of proposed changes to the Director of Police.(52.2.8)

Criminal Investigations

1. Complaints of criminal misconduct are reviewed by the Shelby County Attorney General's office.
2. The Jurisdictional Agency investigates criminal allegations against MPD employees, when listed as suspects.
3. ISB conducts full criminal investigations as instructed by the Director of the Memphis Police Department or his designee

Domestic Violence Complaints

Criminal Investigations, with sufficient probable cause, of MPD employees may result in:

- a. Physical Arrests
- b. Warrants
- c. Indictments

Administrative Investigations

Violations of MPD Policy & Procedure may result in disciplinary action against an MPD employee.

Administrative Investigation complaint dispositions are:

- a. **Sustained:** Facts prove that the alleged violation(s) or discovered violations did occur, and those responsible can be (are) identified.
- b. **Not Sustained:** There is insufficient evidence to prove or disprove the allegation(s).
- c. **Exonerated:** The incident occurred, but was lawful and proper.
- d. **Justified:** Facts conclude that an officer was in compliance with the policy and procedure.
- e. **Unfounded:** A comprehensive investigation clearly indicates that the allegation(s) or violation did not occur.
- f. **Dropped:** The complainant requests that the investigation is discontinued and/or fails to cooperate with the ISB investigative process.
- g. **Pending:** Open, on-going investigations.
- h. **Not Justified:** Facts conclude that an officer was not in compliance with the use of deadly force.

- i. **Held in Abeyance:** Used in investigation where there are sustained charges and the principal officer resigns before the hearing is held. The case will remain in this status until such time the investigation and hearing are completed in entirety.
- j. **Closed:** Used only in rare cases when none of the aforementioned dispositions apply. For example, “An officer committed no violations and the officer is shot and did not have a chance to respond to the resistance that was used against him or her.”

8.4 Statement of Charges

In sustained ISB cases where facts conclude that an MPD employee has violated Policy & Procedure, a **Statement of Charges** is written by the ISB case Investigator.

8.5 Case Routing

Sustained or Not Justified/ Statement of Charges

- a. The ISB investigator will submit an “Original” and “Copy” to his/her ISB supervisor.
- b. The Original is maintained in the ISB Commander’s office.
- c. The Copy with the original Statement of Charges is forwarded to the Deputy Director for disciplinary review and disposition.
- d. At the conclusion of the disciplinary hearing or other result, the copy is returned to ISB with the disciplinary summaries.

Justified, Not Sustained, Dropped or Unfounded

- a. The ISB investigator will submit an “Original” case file to his/her lieutenant for review.
- b. The case file is reviewed by the lieutenant and forwarded to the Commander of ISB for review.
- c. The Commander will review the file and change the status of the case file from “Open” to “Closed”.

8.6 Case Status

Three status classifications:

1. Active
 - a. On-going investigation
 - Periodic Status Reports – The case investigator will contact the complainant after obtaining all witness interviews, all accused employee interviews and evidence analysis to provide a case status update. The Case Status notification will be documented in the investigator’s case notes. **{52.2.4b}**
 - b. Disciplinary action pending
 - c. Criminal prosecution is pending and further investigation may be necessary.

2. Forwarded
 - a. Showing the internal routings of the case within ISB or between ISB and the administration, AG's office, or workstations.

3. Completed

All ISB investigations and disciplinary results are concluded.

8.7 Case Timelines

ISB Complaint & Shooting Investigations are due for review by an ISB Supervisor once the ISB Investigator has completely investigated the Complaint or Shooting incident.

- a. Timelines

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| • IAB (I) Complaints | 30 calendar days |
| • Security Squad (S) Complaints | 30 calendar days |
| • Firearm Discharge Incidents (Excluding Animal Shootings) | Undetermined |
| • Animal Shootings | 5 Days |
| • Walk-In (Precinct Complaints) | 20 calendar days |

- b. Reasonable case timeline allowances and adjustments are made due to circumstances encountered in the investigation.

- Case investigations will be discussed between the Case Investigator and an ISB Supervisor prior to the due date.
- Case timeline explanations will be provided, via discussions between the case investigator and an ISB supervisor, outlining why the case will not meet the due date and what remains to be done in the investigation.
- Extensions will be granted for investigative purposes with an estimated time of completion.
- If an extension is granted, it will be documented by the investigator. The investigator will email the extension documentation to an ISB supervisor. The ISB supervisor will place the documentation in the ISB case extension folder.

8.8 Notification Letters

I At the conclusion of an ISB Complaint investigation, the Commander of Inspectional Services prepares notification letters indicating the results of the ISB investigation.

Letter types are:

- 1 Complainant Notification Letter. A brief synopsis of the allegation and the ISB result indicating sustained, not sustained or unfounded. (52.2.4.c)
- 2 Accused MPD Employee Notification Letter. A brief overview of the ISB case investigation and the case status indicating not sustained, unfounded, or dropped.
 - The accused employee does not receive a letter if the ISB investigation resulted in a statement of charges on the accused employee.
 - (1) The employee is asked to review the notification letter, initial the letter, make a copy and return the original to ISB through departmental mail.
 - (2) The letter becomes part of the case file.

- 3 Deputy Chief Notification Letter. The respective Deputy Chief of the accused employee will receive a letter containing a brief overview of the complaint allegation and the ISB result indicating not sustained, unfounded, or dropped.
 - The Deputy Chief does not receive a letter if the ISB investigation resulted in a Statement of Charges on the accused employee.
- II At the conclusion of an ISB **Firearm Discharge** investigation, the Commander of Inspectional Services will prepare a notification letter indicating results of the ISB investigation:
- A **MPD Employee Notification Letter.** A brief synopsis of the firearm discharge incident indicating the ISB result of compliance with the Deadly Force Policy of the Memphis Police Department will reflect, **Justified**.
 - Copied to the respective Deputy Chief & Employee Work Station.
 - B **Notification Letters** are not forwarded in **Not Justified** firearm discharge investigations, which result in a Statement of Charges.

Chapter 11 Security Squad Complaints

- 11.1 Affidavit of Complaint
- 11.2 Notary
- 11.3 Statements
- 11.4 Criminal Investigations/Employee Suspect(s)

Security squad investigations follow the same process as the IAB investigations.

The deciding factor in a Security Squad investigation is whether elements exist that aspects of the investigation will be criminal in nature. If the investigation is to be criminal then an “S” number will be assigned. If it is known that the investigation will be administrative then proceed with the standard IAB investigation.

- 11.1 Affidavit of Complaint:** In a criminal investigation the Affidavit of Complaint is signed by the supervisor or commander of the Inspectional Services Bureau.
- 11.2 Notary:** All Internal Affairs affidavits (I’s), and Security Squad affidavits (S’s) that have a complainant will be notarized by a notary public. Administrative Affidavits on complaints initiated by the supervisor or commander are not notarized.
- 11.3 Statements:** When obtaining a statement, advise all witnesses that the investigation is criminal in nature. Advise the principal officer that the investigation is criminal in nature. Also the principal officer will be advised of his Miranda rights. He/she should sign an advice of rights form.

Case Law dictates participation in criminal investigations. The employee’s participation may be guided by search warrants and/or arrest warrants. Employees will be provided with a search warrant when DNA is needed. A search warrant will not be obtained when the employee is to submit to a “reasonable suspicion” drug screen.

Security Squad complaints have a projected completion of 30 days, however, due to the criminal nature of the complaints, extensions in completion may be necessary.

11.4 Criminal Investigations – MPD Employees as Suspects

When MPD employees are listed as suspects in criminal investigations by MPD or any other agency, that employee will be relieved of duty, dependent upon review of the initial facts.