



# **NATIONAL POLICE SERVICE**

## **INTERNAL AFFAIRS UNIT**

### **OPERATIONS MANUAL**

**First Edition 2018**

# TABLE OF CONTENTS

<b>PART I: INTRODUCTION.....</b>	<b>4</b>
Background .....	4
Objectives of this Manual .....	4
Review of this Manual .....	5
Applications .....	5
<b>PART II: ABOUT INTERNAL AFFAIRS UNIT.....</b>	<b>6</b>
Establishment and Constitution.....	6
Staff Selection .....	6
Command of the Unit.....	6
Functions of the Unit.....	7
Powers of the Unit.....	7
Guiding Principles.....	8
Compliance with the National Police Service Standing Orders .....	8
Compliance with other relevant laws .....	9
Annual Report and Plans.....	9
Strategic Plan .....	9
Annual Work Plan.....	10
Organization of the Unit.....	10
<b>PART III: RECEIVING AND INVESTIGATION OF COMPLAINTS.13</b>	
Introduction.....	13
Definition of Complaint .....	13

Approach to complaint management.....	14
Grounds of lodging a complaint.....	14
Receiving complaints .....	15
Complaints that appear to be frivolous, vexatious or scandalous ....	15
Complaint Form .....	15
Written complaints to be acknowledged in writing .....	16
Anonymous Complaints.....	16
Managing complainants .....	16
Complaints alleging criminal or corrupt conduct.....	17
Complaint analysis .....	17
Procedure for conduct of complaint.....	17
Complaint assessment .....	18
Employee protection, rights and obligations.....	21
Internal reporting of misconduct .....	22
Investigation.....	22
Investigation plan.....	22
Timeline for investigation .....	23
Preliminary inquiry .....	23
General Inquiry File .....	23
Complaint File.....	25
Procedure for conduct of investigation .....	25
Completed investigation and recommendation .....	26
Implementation of recommendation and progress report.....	27
Finalization of cases .....	27

<b>PART IV: GENERAL COMPLAINT AND INVESTIGATION PROCEDURES.....</b>	<b>29</b>
Searches, seizures and search warrants .....	29
Complainants and witnesses .....	30
Incident Scene Management .....	30
Evidence and Exhibits.....	31
Reports and Returns .....	31
Annex 1: Questioning of Police Officers: Employee Protections, Rights and Obligations.....	36
Annex 2: Discipline Notice .....	39
Annex 3: Complaint Intake Form .....	42

# **PART I: INTRODUCTION**

## **Background**

The National Police Service Act 2011, established the Internal Affairs Unit (IAU) vide section 87 to receive and investigate complaints against police officers. It also introduced changes to the police complaints system. The changes were designed to ensure that complaints made by anyone are handled and put right. This Operations Manual shall ensure that IAU complies with legal obligations and achieve high standards in the handling of complaints against police conduct under the new system.

## **Objectives of this Manual**

The Service Standing Orders sets out administrative orders for the functions of the Unit including complaint procedures. This Operations Manual provides further guidance to the members of the Unit on how to implement these Orders. It describes the process the IAU uses to receive and investigate complaints against police misconduct. It contains guidance on:

- i. Mandate and organization of the Internal Affairs Unit;
- ii. Receiving and investigating complaints;
- iii. General Complaint and Investigation Procedures; and
- iv. Templates used in complaints management

This Manual is not intended to be a comprehensive technical guide in the receiving and investigating of complaints against police misconduct.

Any procedural issue related to receiving and investigating complaints against police misconduct not covered by this manual will be left to the discretion of the Senior Investigating Officer through guidance of the Director, IAU as appropriate.

## **Review of this Manual**

This Operations Manual will be subjected to periodic review according to legislative and policy changes and re-released as required.

## **Applications**

This Operations Manual applies to all members of the IAU including Training Institutions within the Service and external stakeholders exercising oversight functions over the Police.

A failure to have regard to the Operations Manual is admissible in evidence in any disciplinary proceedings and any appeal proceedings following a disciplinary decision.

## **PART II: ABOUT INTERNAL AFFAIRS UNIT**

This Part sets out the overall governance of the IAU and some element of policies that determine its approach and implementation of its mandate. The IAU is a neutral entity within the National Police Service that investigates allegation of police misconduct by police officers.

### **Establishment and Constitution**

The Internal Affairs Unit is established under section 87 of the National Police Service Act 2011 and consists of an officer not below the rank of an Assistant Inspector-General who will be the Director; a Deputy Director; and such other staff as the Unit may require.

### **Staff Selection**

IAU investigators and staff are selected on the basis of overall law enforcement experience and skills, integrity, maturity, sound professional judgement and the ability to prepare and complete detailed investigative reports on a timely basis. Police officers selected for assignment to the IAU will be interviewed, approved by the Inspector General of Police, vetted by the National Police Service Commission and subjected to all other standard recruitment procedures prior to deployment.

### **Command of the Unit**

The IAU is headed by a Director who is responsible to the Inspector-General for the effective and efficient administration,

operations, training, and internal oversight of the unit. The members of staff of the Unit are accountable to the Director.

Members of the IAU staff are not be subject to control, direction or command of the Kenya Police Service, Administration Police Service or the Directorate of Criminal Investigations.

### **Functions of the Unit**

The IAU performs the following functions: —

- i. receive and investigate complaints against the police;
- ii. promote uniform standards of discipline and good order in the Service; and
- iii. keep a record of the facts of any complaint or investigation made to it.

The IAU investigates misconduct and hears complaints: —

- i. from members of the Service or members of the public;
- ii. at the direction of a senior officer;
- iii. on its own initiative;
- iv. on the direction of the Inspector-General;
- v. at the request of the Independent Policing Oversight Authority; or
- vi. where necessary, investigate and recommend appropriate action in respect of any officer found engaging in any unlawful conduct.

### **Powers of the Unit**

The IAU has powers to recommend the following disciplinary actions to the Inspector General—

- i. the interdiction of an officer;

- ii. the suspension of an officer;
- iii. the administration of a severe reprimand or a reprimand to control or influence the pay, allowances or conditions of service of an officer; or
- iv. any other lawful action.

## **Guiding Principles**

The IAU promotes adherence to the highest standards of police conduct and fosters mutual respect between the Service and the community it serves by fairly, objectively, and neutrally investigating complaints that allege misconduct by police officers or against police officers by their own colleagues.

The IAU is guided by the following principles when receiving and investigating complaints against police misconduct:

- i. getting it right
- ii. being customer focused
- iii. being accountable
- iv. acting fairly
- v. putting things right
- vi. seeking improvement in uniform standards of discipline and good order

## **Compliance with the National Police Service Standing Orders**

The Unit performs its functions and powers in accordance with the National Police Service Standing Orders. Attention of the IAU staff is particularly directed to the following Chapters:

- i. Chapter 5, Internal Affairs Unit
- ii. Chapter 8, Ranks, Duties and Responsibilities
- iii. Chapter 21, Complaint Procedure

- iv. Chapter 22, Conduct of Interviews of Crime Victims, Suspects and Witnesses
- v. Chapter 27, Criminal Prosecution and Handling of Evidence
- vi. Chapter 30, Discipline
- vii. Chapter 45, Integrity and Ethics

### **Compliance with other relevant laws**

The IAU complies with other relevant laws. The attention of officers is particularly directed to the following laws:

- i. Constitution of Kenya,
- ii. The Fair Administrative Action Act,
- iii. National Police Service Act,
- iv. Criminal Procedure Code,
- v. Evidence Act,
- vi. Independent Policing Oversight Authority Act,
- vii. Penal Code,
- viii. Bribery Act,
- ix. Prevention of Torture Act,

### **Annual Report and Plans**

IAU Annual Report describes the work of the Unit over the past year, including the complaints and investigations carried out and its work to promote uniform standards of discipline and good order in the Service.

### **Strategic Plan**

The IAU strategic plan is prepared to provide a framework for the delivery of the Units work. It will be a clear statement of its values, mission, vision and objectives.

## **Annual Work Plan**

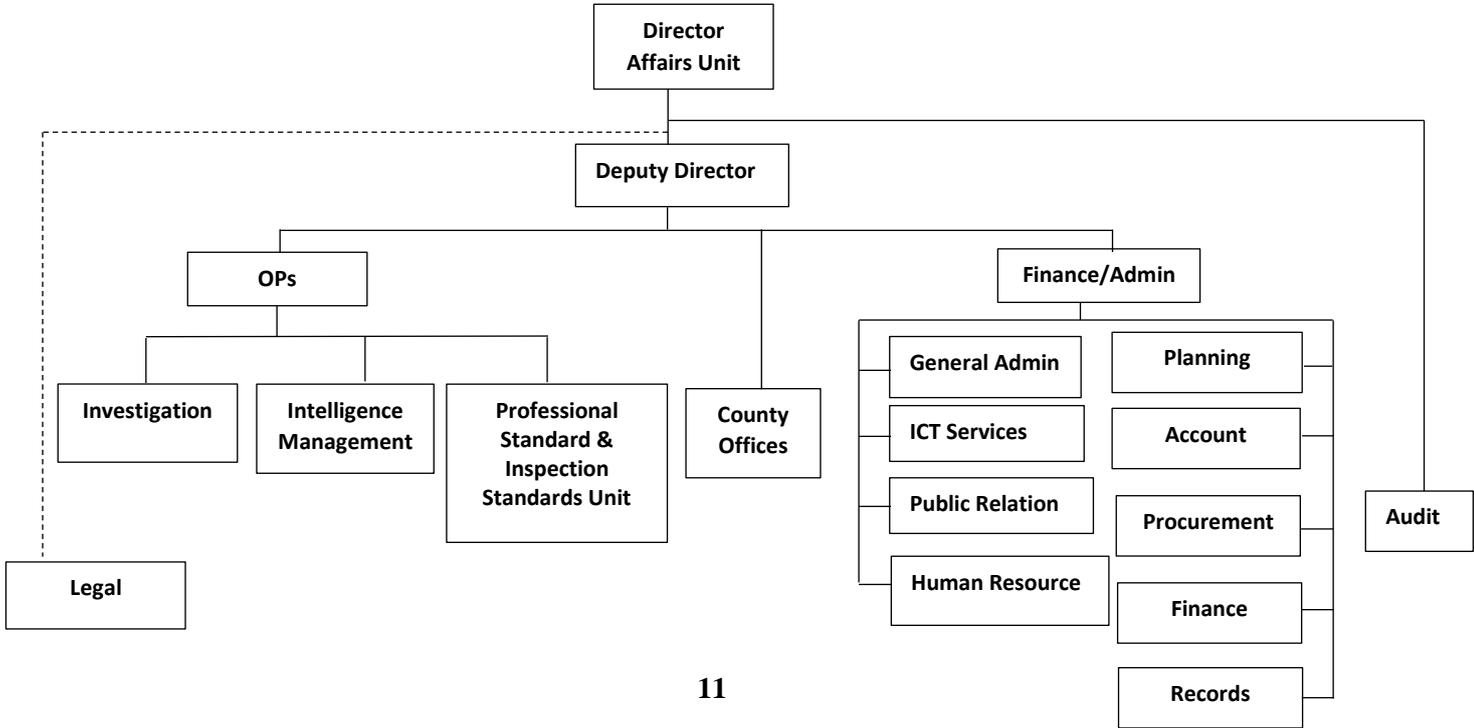
The IAU annual work plan is prepared to set out planned work for the coming financial year and includes strategic objectives, key targets and the management information it will monitor.

## **Organization of the Unit**

The IAU has the following sections: -

- i. Complaints Management
- ii. Investigations section
- iii. Intelligence section
- iv. Legal
- v. Professional Standards and Inspection
- vi. County offices
- vii. Finance and Human Capital management

See the IAU organogram below



## **Working with other Institutions**

The IAU works closely and cooperates with other police entities and government bodies that play a role in police complaints process in accordance with legal requirements.

In performance of its functions, the Unit ensures effective relationship and regular reporting to the Independent Police Oversight Authority, Coroners, and the Chief Firearms Licensing Officer as well as the National Police Service Commission as per the provisions of the National Police Service Act, 2011 section 87 (10).

The Independent Policing Oversight Authority may at any time intervene and take over the investigations from the Unit when there is reason to believe that the investigations are inordinately delayed or are manifestly unreasonable.

## **PART III: RECEIVING AND INVESTIGATION OF COMPLAINTS**

### **Introduction**

This Part provides guidance on receiving and investigation of complaints made under Section 87 (4) of the National Police Service Act. It should assist Complaint Management Officers (CMOs) with complaint administration. It outlines the action that must be taken when assessing and investigating complaints about police misconduct.

Effective complaint management is the key to accountable police service. Police complaints management is governed by the law, regulations and Service Standing Orders and IAU officers involved in the process must work within the Complaint Management System. Complaints Management Officers are expected to adhere to the guidelines at all time.

### **Definition of Complaint**

Complaint means an expression of concern, dissatisfaction or frustration with the quality of police service including police conduct made by any person. Based on this definition complaint includes:

a complaint about conduct, or service – such expressions of dissatisfaction may relate to customer service, quality of service, failure to provide information, competence or conduct of police officer, errors of judgement or misinterpretation of information, decisions being unfair, unreasonable or lacking in merit, poor administrative processes etc.

## **Approach to complaint management**

When receiving complaints, the IAU officers recognize the inherent dignity of the person who has made the complaint and treat them with courtesy and respect. The complainant will be given clear and comprehensive information about the process that will be followed to manage their complaint, as well as the possible outcome.

IAU officers recognize that people are likely to care as much about how their complaint is dealt with as they do about the issues that triggered the complaint. The complaint management process must therefore be seen to be fair, treating complainants in ways they perceive to be reasonable (including with respect), and providing adequate information at appropriate times is likely to be as important to complainants as getting the outcome they were seeking.

When people make a complaint they want it to be finalised in a reasonable time, they want to know approximately how long it will take after initial acknowledgement, and they want to be kept up-to-date throughout the process.

## **Grounds of lodging a complaint**

Any person aggrieved by the conduct of a police officer may lodge a complaint with the IAU on any of the following grounds:

- i. that the police officer acted contrary to any written law;
- ii. that the conduct of the police officer amounted to misconduct; or
- iii. any other lawful and sufficient ground.

Provided that such ground shall not be frivolous, vexatious or scandalous.

## **Receiving complaints**

A complaint can be made in the following ways:

- i. In person by visiting IAU offices;
- ii. By a letter, fax, phone or email;
- iii. By filling in the IAU complaint form online; and
- iv. Anonymous reporting and information system (ARIS).

Whichever way a complaint is received or presented other than the prescribed form, the officer recording it should cause the complaint to be filed by transferring the details in the prescribed form.

## **Complaints that appear to be frivolous, vexatious or scandalous**

IAU officers when receiving complaints may find evidence to suggest that the complaint may be motivated by malice – that is to hurt another person. However, this should not be ground for ignoring such complaint. If the allegation nevertheless raises what would be a serious problem if true, the complaint should be taken seriously and processed accordingly.

## **Complaint Form**

An officer receiving an oral complaint should record the complaint in a prescribed format and cause the recorded complaint to be signed by complainant.

## **Written complaints to be acknowledged in writing**

All written complaints other than anonymous complaints received should within seven days from the date of receipt, be acknowledged in writing to the complainant in person, by letter, or email promptly, a copy of which should be retained within the investigation file.

## **Anonymous Complaints**

Some complainants choose to remain anonymous. An anonymous complaint is one where the details of the complainant are not known, cannot be ascertained or may have been deliberately withheld. The anonymity of a complaint should not be a basis for deciding that the complaint does not raise a substantive issue. Anonymous complaints should be investigated if they are assessed as having some substance, are of reasonable seriousness, and there is sufficient information in the complaint to enable the allegations to be investigated.

## **Managing complainants**

IAU officers will follow these guidelines when receiving complaints from complainants:

- i. treat complainants respectfully, pleasantly and professionally;
- ii. give your name, greet the person courteously, and ask in a positive manner how you can help;
- iii. listen to what the person has to say – use good listening skills (look interested, maintain eye contact, adopt an open body posture etc);
- iv. arrange for assistance (e.g. interpreter) if required;
- v. seek clarification of any points that are not clear;

- vi. summarize the main points raised and ask whether they are correct;

### **Complaints alleging criminal or corrupt conduct**

If a complaint alleges criminal conduct or during the course of complaint assessment, it becomes apparent that a criminal offence may have been committed, the IAU will continue with investigations and forward the investigation file to Office of the Director of Public Prosecutions through the Office of the Inspector General.

### **Complaint analysis**

IAU officers handling complaints will on monthly basis conduct analysis of complaint issues as reported and trends. The officers will maintain updated complaint records including:

- i. details of complaints;
- ii. categories or common issues raised in complaints;
- iii. the steps taken to investigate complaints; and
- iv. investigation outcomes.

### **Procedure for conduct of complaint**

At all IAU Affairs offices, complaint registers will be maintained in which all complaints investigated will be entered and consecutively numbered. The investigation file will draw their numbering or references from these registers which must be inspected by the director regularly.

Upon receiving a complaint, the receiving officer should create an entry in the Complaint Register, listing the following particulars:

- i. full names and address of the complainant;
- ii. the date, time and the location of the occurrence of the act complained of;
- iii. the grounds on which the complaint has been presented;
- iv. information about the person whose conduct is complained against;
- v. information as to the identity and contacts of witnesses, if any;
- vi. a concise statement of the facts constituting the cause of action;
- vii. a declaration by the complainant that the representations are true;
- viii. a statement:
  - a) that there is no other complaint pending;
  - b) that there is no matter pending in any court or tribunal between the complainant and the respondent over the same subject matter; and
  - c) any other relevant particulars.

Where the complainant is a police officer, the complaint should, in addition to the particulars set out above, contain the employment particulars including Service Number, Rank and Station of service of the complainant.

### **Complaint assessment**

From whatever source any complaint is received, it should be forwarded to the Assessment Section. Complaint assessment will determine how a complaint can be managed by looking at the issues raised by the complainant and what possible action can be taken.

The assessment officer should allocate the next sequential number from the register (manual or computerized) and file the complaint in a coloured folder. The folders will be colour coded to signify their origin e.g.

- i. Public Complaints – Pink
- ii. Police Complaints – Blue
- iii. Internal Investigations – Green
- iv. Referrals from IPOA – Yellow
- v. All others – Orange

The assessment officer should carry out a number of preliminary tasks (categorization) to:

- i. Determine if the allegations amount to criminal activity and identify what offences may have been committed and note them.
- ii. Determine if the allegations amount to disciplinary breaches (as well as criminal or instead of criminal allegations) and identify what those breaches may be and note them.
- iii. Prepare a pro-forma letter to the complainant to inform them the complaint has been received.
- iv. Identify where possible, the officers subject of the complaint or allegation and prepare disciplinary notices to be served upon the officer (unless there is a specific reason why this should not be done which should be recorded).
- v. The assessment officer then passes the file to the Records office to note. They may add any comment or observation they require before passing it to the allocating officer who allocates and informs the nominated Investigating Officer. The register will be updated with those details.

Weekly updates to the Director are made on all complaints received, acknowledged and their status.

The assessment should be conducted in accordance with the following criteria: -

- I. **Very Serious Complaint** - May involve death or serious injury, large-scale corruption or have significant importance that it attracts high public and media interest. Consideration will be given in the first instance in referring these matters to IPOA (Independent Policing Oversight Authority).
- II. **Serious matters** - that will require investigation by members of Internal Affairs Unit namely serious assault, misuse of firearms, corruption, allegations involving Senior Officers and where directed by the Inspector General.
- III. **Complaints of a more minor nature** -including minor assault, misconduct e.g. drunkenness etc. where the allegations would most suitably be dealt with at the local level. In these instances, the complaint will be referred from the Director IAU to the respective Service, DCI, Region or local County Commander for allocation and investigation and feedback.
- IV. Those complaints and allegations where the **veracity of the complaint cannot be established or is not believed to be true**. This includes vexatious or repeated complaints. It also includes those complaints and allegations where there is insufficient information or evidence on which to base an investigation.
- V. A complaint where no further action is required or a matter that needs to be referred to another agency for information and /or action.

Those matters that require referral to IPOA are communicated through the normal channels.

Where a decision has been made that an investigation should take place by officers from the Internal Affairs Unit, the complaint will be passed to the Chief Investigator for allocation.

Those complaints where a decision has been made to refer the matter for local investigation will be sent from the Director to the relevant entity and the Complaints Management Section keeps track of the progress made.

### **Employee protection, rights and obligations**

When a police officer is under criminal investigation, the same protection and rights are afforded to that officer as any other member of the public under criminal investigation and they are afforded the protection against self-incrimination.

When a police officer is under administrative investigation that could lead to disciplinary action involving any penalty specified in law, investigators assigned to the IAU will be required to adhere to the procedures set out in *Annex 1: Questioning Police Officers: Employee Protection, Rights and Obligations*.

At the conclusion of the investigation, the Director shall inform the officer under investigation, in writing, the outcome of the investigation.

When an officer is directed to submit to questioning or an interview regarding an internal administrative allegation, the officer will be told that they must answer all the questions

posed to them. The concerned officer cannot claim any legal basis in refusing to answer.

### **Internal reporting of misconduct**

A police supervisor may initiate the immediate internal/administrative disciplinary process by completing a confidential memorandum. This will be forwarded through the chain of command for investigation or recording to whichever is appropriate.

### **Investigation**

After assessing a complaint, a decision may be made to investigate the claims made in the complaint. The Senior Investigating Officer will assign such complaint to an investigating officer under their supervision. The investigating officer is also tasked with the responsibility to provide regular progress updates to the complainant.

It is important that the assigned investigating officer does not have a conflict of interest in the case, or that any unavoidable conflict is identified and carefully managed.

### **Investigation plan**

The investigating officer should prepare a written investigation plan that should outline the scope and sequence of investigative activities. A written plan helps keep the investigation focused and on track, and is also useful if the investigation needs to be handed over to someone else.

## **Timeline for investigation**

All IAU investigations should be completed within 60 days after they are received. The Director can extend the time limits for completion of an investigation for legitimate reasons, which are documented. The IAU also has an obligation to inform the complainant that the investigation has been extended.

## **Preliminary inquiry**

The investigating officer will conduct a preliminary inquiry to establish whether there are any new developments from the initial report.

## **General Inquiry File**

Each case file will consist of a set of ten sub-files listed A – J each preceded by a guard sheet clearly indicating what sub-file it contains.

All documents relating to and supporting the case. This includes Occurrence Book extracts, crime and incident reports, follow up reports and amendments. These should be marked A1, A2, A3 from the bottom upwards.

Photographs and any sketches referring to the scene. Copies of documentary exhibits. These should all be marked B1, B2, B3 etc.

Copies of expert reports – post mortem, Government Chemist, document examiners report, medical examination reports. The

reports should all be placed individually in suitable envelopes marked C1, C2, C3 respectively.

Copies of statements of witnesses and Identity Parade forms marked D1, D2, D3 accordingly. Where a statement of a witness consists of more than one page it should be marked D1(i), D1(ii) etc.

Copies of any medical reports should be accompanied by a statement from the person making that report setting out in detail and in simple language the contents of that report.

Copies of all statements made by the accused/suspect(s) including cautionary statements. These should be marked E1, E2, E3 etc.

Investigation diary on all the investigations conducted concerning the case. All movements of police officers concerned in the investigation and all occurrences should be accurately recorded. The diary must be accurate setting clearly the dates, times and places. As there is only one diary which should be marked F1 (i), F1 (ii), F1 (iii) etc.

Copies of charge sheets, bonds and related documents marked G1, G2, G3 etc.

List of witnesses, List of exhibits, criminal record of accused, statistics forms marked H1, H2, H3 etc.

A covering report from the Investigating Officer, detailing the circumstances of the case or, in the case of a prosecution, the prosecution case as it stands. The report should be written chronologically indicating the events, before, during and after the incident. When making reference to a witness or exhibit, the same will be referred to as D1, B2, C4 etc. A summary of evidence will also be detailed below the covering report. In this summary, the Investigating Officer indicates the major facts that each witness has

provided. Further, the evidence provided in all other forms is highlighted.

On the left hand side of the file cover, a correspondence sub-file ( J) will be kept. This will deal with requests for advice from the Investigating Officer to his/her Officer in Charge, The Director of Criminal Investigations, State Counsel or the Director of Public Prosecutions. It will also contain directions from higher authorities.

### **Complaint File**

The case file is compiled in the following manner

SUB-FILE A – Numbered index of documents

SUB-FILE B – Summary of Evidence

SUB-FILE C – Findings

SUB-FILE D- Recommendations

SUB-FILE E- Investigation Diary

SUB-FILE F – Statements and other relevant documents

### **Procedure for conduct of investigation**

Every investigator assigned to the IAU takes the utmost care in conducting assigned investigations. Attention to detail, completeness and the search for the truth is the goal of every investigation or enquiry. The IAU investigator:

- i. Interviews the complainant, all witnesses and anyone else who may have direct knowledge of the facts surrounding the allegations.

- ii. Records a statement from the complainant and all witnesses in their own words. All statements will be signed under oath or affirmation. Should the complainant decline to sign or affirm such statement, it is noted in the investigating officer's report.

Reviews all evidence related to allegations of criminal behaviour or misconduct.

Should the allegations involve injury to any person, ensures that photographs depicting the alleged injuries are taken and included in evidence together with any medical reports.

### **Completed investigation and recommendation**

All completed investigations, including reports and recommendations will be forwarded to IAU Headquarters for review and filing. Senior Investigating Officers will retain a copy of the investigation report in their local files.

The Senior Investigating Officer shall record all information from all completed investigation in the IAU files, register and database for future retrieval, monitoring and review. The recorded information shall include:

- i. The case number of the investigation
- ii. The identity of the complainant (where known)
- iii. The accused officer's name and Service number
- iv. The nature of allegation
- v. The investigation outcome
- vi. Recommendations

The records of information enumerated above forms the subject head entities in each subdivided columns of the register running in a row across two facing pages.

The investigation outcome, notice of discipline with annotation of the level of punishment imposed (if any) and the number of the case number of the investigation should be cross referenced with the officer's personal file.

### **Implementation of recommendation and progress report**

Once the recommendations highlighted in the submitted file have been approved a letter for the signature of the Inspector General will be drafted to relevant services and DCI for implementation. The Internal Affairs Chief investigator makes a follow up.

### **Finalization of cases**

When each complaint investigation is finalised an entry should be made on the complaints database to indicate that the matter has been finalised and also on the oversight matrix. This entry will indicate: -

- i. The number allocated to the complaint.
- ii. The date the complaint was made
- iii. The date the Internal Affairs Unit received the complaint.
- iv. The date the complaint was finalised
- v. The outcome
- vi. Very short resume of the complaint (no more than two lines).

This matrix should be completed on a quarterly basis at the end of months March, June, September and December.

Each complaint file is then stored in secure filing cabinets in numbered sequential order.

## **PART IV: GENERAL COMPLAINT AND INVESTIGATION PROCEDURES**

### **Searches, seizures and search warrants**

As is the case with any investigation, evidence will not always be immediately or readily available although important information and evidence will often be provided by a complainant.

Valuable evidence will also be available and collected at incident scenes, hospitals or mortuaries but there may be further evidence that is in the possession of police, a suspect officer, another government institution or private sector businesses.

To obtain such evidence it may be necessary to use the powers of search and seizure using a search warrant. Generally, any issue regarding search warrants is provided for under Sections 118 to 122 of the Criminal Procedure Code.

These provisions deal with issues ranging from the power to issue search warrant, Ex-parte application for search warrants, execution of search warrants, persons in charge of closed place to allow ingress and egress, detention of property seized as well as provisions applicable to search warrants.

Unit staff must be able to demonstrate that the search was conducted reasonably. A search must be thorough otherwise it is of limited value however there are limits. Attention of officers is particularly directed to the following sections of law:

- The Evidence Act, Section 180: Warrant to investigate; and

- The Criminal Procedures Code, Section 118 to 122: Search warrants

### **Complainants and witnesses**

Complainants may experience an array of physical, psychological, emotional and financial challenges. Physical injury, fear, anger, grief, shame, concern for personal safety and loss of income are some of the issues complainants may face.

They are also more likely to be traumatized than other witnesses.

IAU staff must ensure that complainants seeking assistance are treated fairly and not subjected to re-victimization.

In most cases the complainant will be the main witness to an event and will possess evidence important to the investigation.

Compared to other witnesses, this person also usually has a greater interest in the matter including whether or not the investigation is successful and if so the outcome.

Because of this it is vitally important to maintain contact and update the progress of the investigation.

### **Incident Scene Management**

Any action taken when processing the scene of an incident may play an important role in the successful resolution of a case.

Careful and thorough investigation is important to ensure that all potential sources of physical evidence are located, collected and secured.

Admissibility of evidence in subsequent proceedings will be dependent on appropriate procedures being followed.

IAU officers shall process the scene of an incident in accordance with Chapter 42 of the Service Standing Orders and any other guidelines that may be issued by the Unit.

### **Evidence and Exhibits**

The proper recognition, collection and preservation of physical evidence is vital to any investigation undertaken by the IAU.

Physical evidence may be a vital factor in the resolution of cases and particularly in determining whether criminal and/or disciplinary action should be considered.

It has to be remembered that not all evidence collected for an investigation will be subject of forensic or scientific examination, but that if required for court or disciplinary purposes the same stringent requirements still exist.

IAU officers shall handle all evidence and exhibits in accordance with Chapter 33 and Chapter 42 of the Service Standing Orders and any other guidelines that may be issued by the Unit.

### **Reports and Returns**

#### ***Annual reports***

The Headquarters shall issue a *proforma* prescribing the format and frequency of preparing annual reports. Annual Reports shall be submitted to the Director of the Unit who shall then compile and forward to the Inspector-General.

### ***Complaints to be recorded***

It is the obligation of the Senior Investigating Officer in every County to record every reported complaint reported to have occurred under their area of jurisdiction in one or more of the following categories: –

- i. Inaction
- ii. Criminal activities
- iii. Obstruction of justice
- iv. Arbitrary arrest, malicious prosecution, malicious damage of property
- v. Breach of work policies
- vi. Unfair disciplinary proceedings

### ***Confidential quarterly statistics***

The Director of the Unit shall submit a quarterly statistical summary of complaints and investigations to the Inspector-General and the return shall contain a summary of the complaints in each Sub-County, County or Formation and for the Republic as a whole and shall be submitted on the prescribed form.

### ***Monthly status of complaint report***

The Director of the Unit shall submit a monthly status of complaint report to the Inspector-General summarizing the reports received from County or Formations and a copy of the report shall be sent to National Police Service Commission and Independent Police Oversight Authority.

### ***Issue of “Flash” report***

On receipt of “flash” and verbal reports requiring immediate notification; Senior Officer in respective Operations Section shall issue special “flash” reports as soon as possible to distribution list “internal” or “external” as appropriate.

Where “flash” reports are to be received out of office hours the recipients of such reports shall be informed by telephone.

### ***Returns***

The Senior Investigating Officer in Charge of the County Formation shall fill and submit returns in a format prescribed by this Manual. When delay occurs in the submission of return, a report giving reasons for such delay shall accompany the returns.

### ***Complaints requiring IAU report***

All received complaints require a formal Unit report:

### ***Timelines of reports***

IAU officer shall submit all necessary reports on time and reports shall be completed in accordance with report writing procedures issued by the Unit.

### ***False reporting***

IAU officer shall not knowingly enter or cause to be entered any inaccurate, false, or improper information or misrepresent the facts in the Unit records or reports. A violation of this policy may result in discipline up to and including termination.

## *Style of report writing*

The following guidelines shall assist officers in preparing acceptable IAU reports:

- IAU reports are similar in writing style to newspaper stories and the report shall be a concise and succinct reporting of the important facts of the complaint and investigation, beginning with the elements of the complaint;
- all reports shall be written in active tense in short sentences and paragraphs;
- all reports shall be written in simple language devoid of "legalese" or jargon and the Officer preparing a report shall avoid using words or phrases that are not used in daily speech and written communication;
- organize the report in a logical sequence usually, the sequence of events as reported to you is the most understandable or desirable style and once a pattern is established in an investigation, it is helpful to write the narrative in the chronological order of events as they happened;
- write in the first person singular when reporting what you did, whom you interviewed, or what you observed. When describing your own role in the case, write "I", rather than "Officer SO AND SO " or "the undersigned", did this or that;
- describe the role of each person named in the report. The first time a name appears, usually in the blocks reserved for the victim, witnesses, or respondent, it should be completely identified by full name, address, and date of birth, telephone numbers, and any other identification available;

- during subsequent references to a person already named, refer to him or her by last name, not by labels such as "witness #1", "block number 13", or "the victim". If there are two or more persons of the same last name, add the first name, or a title such as Mr. or Mrs. that shall specifically identify the person;
- use standard or commonly accepted abbreviations only and when in doubt, do not abbreviate;
- avoid ambiguity;
- do not use slang or colloquialism unless it is a direct quote, indicated by quotation marks; and
- proofread the report and make certain that it is written in correct grammar, spelling, and punctuation, use a dictionary and a thesaurus to check your work.
- The narrative portion of the report should consist of an introduction, the body, and a conclusion

## **Annex 1: Questioning of Police Officers: Employee Protections, Rights and Obligations**

### **Procedural requirements for administrative questioning**

When a police officer is under investigation that could lead to disciplinary action involving suspension without pay, demotion in rank or termination of employment, the following standards are required of IAU investigators: -

- A. The officer must be notified of the investigation before being interviewed or questioned. The notice should be made in writing. The notice will include the general nature and scope of the investigation for which reasonable suspicion exists. The notice need not include the source of the complaint or any evidence or statements that have been obtained during the course of the investigation.
- B. At the conclusion of the investigation the officer subject of the investigation will be informed of the investigative findings through existing channels.
- C. When the officer is subjected to questioning regarding a disciplinary offence, infraction or violation of a policy, rule or regulation or other violation that could result in suspension, demotion or termination of employment, the IAU investigator will be required to conduct the interview or questioning by the following standards:
  - i. The interview or questioning must be conducted at a reasonable hour, preferably when the officer is on duty unless exigent circumstances require otherwise.
  - ii. The interview or questioning must take place at official police premises or other official government office.
  - iii. The officer must be informed at the beginning of the

- interview or questioning, the name rank and position of the officer conducting the interview or questioning.
- iv. The officer must be informed in writing of the nature and general scope of the investigation before any questioning is conducted.
  - v. The questioning must be reasonable in length, generally not exceeding two (2) hours at any period and no more than six (6) hours in any one day.
  - vi. The officer in charge of the investigation should not use threats, harassment or promise of reward.
  - vii. Any statement oral or in writing, made by the officer under investigation may subsequently be used in any criminal prosecution or criminal proceeding, unless the officer has received a written grant of immunity from prosecution. The IAU investigator is responsible for coordination with and preparation of the granting of immunity from the Public Prosecutor's office.
  - viii. Questioning of the officer should be recorded, in whole or in substance either by tape recording, videotape or written contemporaneous notes.
  - ix. The officer is entitled to consult with counsel or other qualified legal representative prior to questioning, although counsel is not permitted to be present during the questioning.
  - x. Officers may be required by a supervisor or an investigating officer to submit to an identification parade and will be advised of the reason for the parade prior to being directed to participate.
  - xi. Photographs may be taken of the officer at the direction of the investigating officer for use in conducting the

investigations. The use of photographs will meet the legal standards for photographic identification.

**Annex 2: Discipline Notice**  
**Notice of alleged breach of National Police Service Code of**  
**Conduct and Ethics and Eighth Schedule Section 88 (2)**  
**National Police Service Act 2011**

**Name:** \_\_\_\_\_ **Police No:** \_\_\_\_\_  
**Rank:** \_\_\_\_\_

**Name of Complainant (if appropriate):** \_\_\_\_\_  
**Case Reference No.:** \_\_\_\_\_

This is to notify you that an allegation has been made that your individual conduct may have breached the National Police Service Code of Conduct and Ethics and specifically conduct specified in the 8th Schedule Section 88(2) National Police Service Act 2011.

You are not required to respond to this notice, however you may do so if you so wish. Should there be a requirement to interview you at a later stage regarding these disciplinary matters you are obliged to answer the questions posed truthfully in accordance with Part X Section 90 (2) National Police Service Act 2011 and that failure to do so constitutes a further disciplinary offence. No information or evidence obtained during this interview may be used in any criminal proceedings.

The details of your conduct that is alleged to have breached the guidelines specified above can be found below.

Name of Person Investigating: \_\_\_\_\_  
Contact details: \_\_\_\_\_  
Signature of Person Investigating: \_\_\_\_\_

I acknowledge that I have received a copy of this document and my attention has been drawn to the accompanying notes.

Signature of Officer concerned.

\_\_\_\_\_

Date:

Print Name \_\_\_\_\_

If the notice is not given to the officer by the person investigating please append the name and signature of the person giving the notice below: -

Name:

Signature:

Date

### **EXPLANATORY NOTES**

This notice has been issued to inform you at the earliest possible stage that an allegation has been made that you may have breached the National Police Service Code of Conduct and Ethics and specifically conduct specified in the 8th Schedule Section 88(2) National Police Service Act 2011 and that there is to be an investigation into your individual conduct.

- 1) The fact that you have been given this notice does not necessarily imply that discipline proceedings will be taken against you but is given to safeguard your interests. It is given in order that you have the opportunity to secure any documentation or other material or make any notes that may assist you in responding to the allegation(s).
- 2) You may provide a written or oral statement relating to any matter under investigation and you may provide any relevant documents to the investigator who must consider those documents.

- 3) If, following Service of this notice, the assessment of conduct or the determination of the likely form of any discipline proceedings to be taken is revised then as soon as practicable you will be given a further written notice together with reasons for that change.
- 4) Prior to being interviewed you will be provided with sufficient information and time to prepare for the interview. The information provided should include full details of the allegations made against you, including the relevant date(s) and place(s) of the alleged misconduct, where known.
- 5) You are reminded that failure to provide an account or response to any questions at this stage of the investigation constitutes a further disciplinary offence.
- 6) You should understand that any decision as to whether there is a case to answer that you may have breached the National Police Service Code of Conduct and Ethics and specifically conduct specified in the 8th Schedule Section 88(2) National Police Service Act 2011 and whether the matter should be referred to discipline proceedings will be based on an objective assessment of all the evidence provided during the course of the investigation.

# Annex 3: Complaint Intake Form



## INTERNAL AFFAIRS UNIT

### COMPLAINTS INTAKE FORM

<b>COMPLAINTS AGAINST MEMBERS OF THE NATIONAL POLICE SERVICE</b>
--

*(To be completed by Members of the Public, Police Officers,  
Groups, and Organizations)*

### SECTION 1: COMPLAINANT CONTACT DETAILS

NAME:	
ID NUMBER:	
POSTAL ADDRESS:	
TELEPHONE NUMBER:	
COUNTY OF RESIDENCE:	

Are you making this complaint on behalf of Self Someone Else? *If someone else, who?*

.....

### SECTION 2: DETAILS OF OFFICER YOUR INFORMATION/COMPLAINT IS ABOUT

If unknown, leave blank.

NAME:	
RANK:	
POSTAL ADDRESS:	
FORCE NUMBER:	
CURRENT DUTY STATION:	
PREVIOUS DUTY STATION:	
MOBILE NUMBER:	

**THE COMPLAINT(S):** If additional space is needed, please attach it to this form.

- 1.) Description of Complaint. Details of the circumstances, location, date and time:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

- 2.) Were you involved in the case you are complaining about:  as a suspect  as a witness  
 as a victim  Other (specify):

.....

- 3.) Have you formally filed another complaint?  Yes  No *If Yes,*  
Where:  with police  With DPP  With IPOA  Other (specify):

.....

- 4.) If you have already filed a complaint, please give details and copies of relevant correspondence:

.....

.....

.....

- 5.) Do you have any witnesses to support your complaint? If yes, please give their names, and contact details:

a. ....

b. ....

c. ....

- d. 6. Do you have any evidence? If yes, please specify below

e. a. ....

f. b. ....

Complainant Signature

.....

**Official Use**

ACTION TAKEN.....

.....  
.....  
.....  
.....  
.....  
.....  
.....

IAU HANDLING OFFICER.....

DATE.....TIME.....

SIGNATURE .....