



WEBER COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURES

Conclusion of Fact

EFFECTIVE DATE: 10/07/03 AMENDS/SUPERCEDES: 38.9 STANDARD NUMBER: 52.1.9	REVIEW DATE: 03/01/05 REVISION DATE: 03/01/05 APPROVED: <u>** On File</u> Sheriff Signature
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38.9.1 Purpose

To determine not only whether any misconduct or violation has occurred, but also to identify causative factors and possible remedies.

38.9.2 Rationale

The internal investigative process is meant to determine not only what happened but why. Information from an Internal Affairs Investigation serves not only as a basis for discipline, but also to identify relevant training, policy, procedural and supervision issues among others.

38.9.3 Policy

- A. All Internal Affairs investigation reports will contain information detailing findings and conclusions of facts describing:
1. what happened;
 2. the causative factors and issues;
 3. mitigating circumstances;
 4. aggravating circumstances; and
 5. relevant laws, policies, rules, procedures, etc.

38.9.4 Procedure

- A. After the investigation is completed, a report will be completed stating all the facts of the case, including all conclusions, recommendations and determinations regarding violations. Determinations available include:
1. Unfounded - Allegation has no basis in truth.

2. Exonerated - The facts of the allegation(s) are confirmed, but are in accordance with the law, policy, or procedure. No violation or infraction took place.
 3. Unsustained (not sustained) - Could not prove or disprove the allegation(s) made in the complaint.
 4. Sustained - Allegations were proven or verified and actions by the member do constitute a violation of law, policy, rule, procedures.
 5. Other Failure - The incident may or may not have occurred but the investigation disclosed faulty policies, procedures, rules, training, supervision or any other failure which goes beyond the responsibility of the accused member in the incident.
- B. The case report is sent through the chain of command to the Sheriff for review and disposition.
- C. After the Sheriff has reviewed and approved the case report the file with the Sheriff's disposition is sent to the Chief Deputy for recording and dissemination to the member's supervisor/complaint investigator.
- D. Level I Complaints – Level I complaint investigations, on approval of the Sheriff, will be distributed to the Weber County Criminal Justice Advisory Council (CJAC) for review and recommendations. (See Policy 38.13, Criminal Justice Advisory Council)