

GENERAL ORDER 52.1.1

Professional Standards

GENERAL ORDER CROSS-REFERENCE: 1.5.1, 26.2.1

SUMMARY

Describes the Department's procedures for managing commendations, inquiries, and allegations of misconduct.

DISCUSSION

The public is entitled to efficient, fair and impartial police service. In providing these services, Department members are entitled to have their actions judged fairly and objectively in terms of the conditions existing at the time service was provided. To achieve these objectives, the Department provides a process whereby any person may: commend the action of Department members (**Commendation**); question the actions of a Department member or Department policy (**Inquiry**); or file a report alleging a Department member has committed a criminal offense, violated a person's civil rights; or violated a Department policy, procedure or rule (**Allegation of Misconduct**).

POLICY

I

It is the policy of the Department to inform its members of commendations received from the public reporting exemplary member action; to respond to questions about member's actions or Department policy; and to document and investigate all reported allegations of misconduct by Department members.

II

The reasons for the Department policy are: to ensure members receive positive reinforcement for exemplary action recognized by the public; to cause review of member's actions and Department policy for the purpose of correcting deficiencies and improving services; to protect members from false or malicious reporting of misconduct; and to remove members from the Department who have demonstrated through misconduct they are unfit for police department employment.

III

The Professional Standards and Training Sergeant is designated the coordinator for internal handling of all commendations, inquiries, and allegations received by the Department. This includes assigning file numbers to PCR reports, maintaining secure files and providing monthly and annual reports related to PCR activity. They shall also be responsible for keeping those persons who report allegations of misconduct informed about the investigative status of their complaint and notifying them of the results upon conclusion of the investigation.

For purposes of administering this policy, the Professional Standards and Training Sergeant shall report directly to the Chief of Police.

IV

All persons wishing to report a commendation, inquiry or allegation of misconduct will be referred to an available supervisor or command officer in accordance with the following priority:

1. The named member's immediate supervisor, if on duty
2. The on-duty watch commander
3. The named member's bureau commander
4. The Professional Standards and Training Sergeant
5. Any available supervisor.

No person wishing to file a commendation, inquiry or allegation of misconduct will be subjected to an undue delay.

V

It shall be the receiving supervisor's responsibility to classify the report as a commendation, inquiry or allegation and to document details on a Department Personnel Conduct Report (PCR). The receiving supervisor shall explain the appropriate process in which the PCR will be handled, to the reporting party. If a report is received via the mail or in other written form, the receiving supervisor or command officer will complete the pertinent portions of the PCR and attach the reporting party's written statement. The receiving supervisor or command officer shall cause a letter of receipt of the complaint to be generated and sent to the reporting party via mail. The Chief of Police shall be notified immediately of any allegation of misconduct alleging criminal acts, corruption, violation of a person's civil rights, excessive use of force resulting in physical injury or any allegation that is of a sensitive nature that has the potential for high public interest.

If the receiving supervisor is reasonably able to determine the reporting party's report is an inquiry or allegation of misconduct resulting from their lack of understanding of what is appropriate member conduct, Department policy or procedure, the receiving supervisor shall attempt to inform the reporting party and resolve the complaint at the point of intake. If the receiving supervisor is able to satisfactorily respond to the inquiry or resolve the allegation to the reporting party's satisfaction, they shall so note on the PCR and indicate no further action is necessary.

The receiving supervisor shall forward all PCR's via the appropriate chain of command to the Professional Standards and Training Sergeant. The training sergeant shall forward a copy of the PCR to the Chief of Police.

In the event a commendation, inquiry or allegation of misconduct is generated by a Department member, it shall be reported via chain of command by Department memorandum (PCR report not required) and will be managed separately from those received from the public. Procedures outlined in sections VIII through XIII related to investigating allegations of misconduct will be followed when investigating allegations received from the public or reported internally by a Department member.

VI

All inquiries and commendations will be forwarded by the Professional Standards and Training Sergeant to the Chief of Police, then to the named member's division commander and immediate supervisor for review and comment prior to being forwarded to the named member. The member receiving the commendation shall sign the PCR acknowledging receipt of the commendation after which the PCR will be returned to the Professional Standards and Training Sergeant who will ensure it is filed in the member's personnel file.

VII

All unresolved allegations of misconduct shall be forwarded to the Chief of Police by the Professional Standards and Training Sergeant for review. The Chief of Police shall determine whether the complaint will be investigated as criminal, administrative, or civil. The Chief of Police may decide to pursue one or all three types of investigations concurrently, or not, depending upon the circumstances.

Criminal and civil liability investigations will be pursued in accordance with lawful investigative procedures. Administrative investigations will be conducted in accordance with procedures outlined in the following sections of this policy.

VIII

The Chief of Police will consult with the named member's bureau commander prior to assigning a supervisor responsibility for investigation.

Normally the assigned supervisor will be the named member's immediate supervisor. If the allegation is serious misconduct such as criminal acts, excessive use of force, violation of a person's civil rights or corruption, the Professional Standards and Training Sergeant or other supervisor as deemed appropriate by the Chief of Police may be assigned responsibility for conducting an investigation.

IX

The assigned supervisor shall notify the named employee of the allegation of misconduct as soon as practicable except that the Chief of Police may authorize a delay if the Chief deems that immediate notice may jeopardize the investigation.

The notice to the named employee will include:

1. The name of the assigned investigator.
2. Sufficient information to reasonably apprise the member of the nature of the allegation (including a copy of the PCR)
3. Notice as to whether there are separate criminal or civil liability investigations into the same circumstances and who is conducting those investigations.

The assigned supervisor shall treat all documents and information as confidential and will only discuss the course of the investigation with those supervisory and management personnel with a need to know. They shall keep the Professional Standards and Training Sergeant informed as the status of the investigation.

The assigned supervisor shall prepare investigative reports with sufficient detail using standard Department report writing procedures and shall complete the investigation within 30 calendar days from the date of the assignment. The Chief of Police may require completion of the investigation in a shorter period or may extend the 30 day limitation depending upon existing circumstances.

X

Department members who are subject to investigation for an allegation of misconduct have the following rights and obligations:

1. Members may have a bargaining unit representative present during interviews, but the interview will not be unnecessarily delayed waiting for their arrival.

2. Members will not be subjected to prolonged interviews. Periodic breaks will be allowed to attend to personal matters.
3. Members will be treated professionally and will not be subjected to any form of abuse.
4. Investigations will be completed in a timely manner.
5. Members will be provided a copy of the investigative report, if requested.
6. Members will be permitted to submit any written comments or other evidence and have them included in the case file.
7. Members shall sign the PCR acknowledging notice of the allegation of misconduct.
8. Once notified of an investigation, a named member may not interfere with or hinder the investigation.
9. If the investigation is purely administrative, members may be required to answer questions directly related to their work performance. Failure to respond in a complete and truthful manner, may subject members to disciplinary action.
10. Under state law, members may not be compelled to submit to a polygraph examination. However, members may be required to submit to medical or laboratory examinations; have photographs taken of themselves; participate in a line-up; or submit financial disclosure statements when there are reasonable grounds to believe such procedures are necessary to completion of the investigation.
11. The involved member may request an update concerning the status of the investigation of the assigned investigator. The assigned investigator is obligated to give the involved member an estimate of the time remaining before the investigation will be completed and forwarded to the Chief of Police.

XI

Except when directed otherwise by the Chief of Police, the named member's immediate supervisor is responsible for developing the final recommendation for adjudication of the allegation of misconduct and, if appropriate, corrective action to be taken. If another supervisor has been assigned to conduct the investigation, the investigative report will be made available to the immediate supervisor for adjudication purposes. Prior to developing this recommendation, the supervisor shall consult with his/her division commander and other involved supervisors and managers as may be appropriate. The supervisor's recommendation will be forwarded via the chain of command to the Chief of Police for final approval.

XII

The final disposition of each allegation shall be classified in one of the following categories:

- Resolved at Intake** - There is sufficient information provided to the reporting party to satisfy their inquiry or resolve the reporting party's complaint.
- Sustained** - There is sufficient evidence to indicate the misconduct did, in fact, occur.
- Not Sustained** - There is insufficient to prove or disprove the allegation.
- Unfounded** - The investigation revealed the allegation is false and was not based upon fact. No misconduct occurred.
- Exonerated** - Investigation revealed the incident did occur, but the named member acted lawfully and properly.
- Other Misconduct** - Sustained misconduct not alleged in original report, but discovered in the course of the investigation.

XIII

Following approval of the recommended adjudication by the Chief of Police, it shall be the named member's supervisor responsibility to notify them in writing of the final disposition and, if applicable, to administer corrective action.

XIV

The Professional Standards and Training Sergeant shall ensure notification of the reporting party of the results of the Department's investigation. This notice may be in person, via telephone or mail. The notice must include an explanation of the disposition so the reporting party understands. If there has been corrective action taken as a result of a reporting party's allegation of misconduct, the reporting party shall not be informed of what form of disciplinary action was taken (this is to protect the privacy interests of the involved employee). The date and time the reporting was notified of the results of the investigation shall be documented on the PCR.

XV

The Professional Standards and Training Sergeant shall forward a summary of each year's internal investigation's statistics to the City Manager, Chief of Police, Division Commanders for inclusion in the Annual Report. This summary shall also be made available to all Department employees.

XVI

After processing, all commendations, inquiries and allegations of misconduct shall be returned to the Professional Standards and Training Office for filing. The Professional Standards and Training Sergeant shall be responsible for ensuring all documents are filed in a secure area. Except for commendations and disciplinary memos, no investigative reports shall be filed in a member's personnel file.

The Department considers internal investigation files confidential and will only open the files in the following circumstances:

1. When a supervisor or manager (including the City Manager and the City Attorney) have a legitimate business need to know. Except when notification would jeopardize an on-going investigation, the involved employee shall be notified whenever files are accessed by persons outside the Department.
2. When the named member wants to review the file or request the file be open to their attorney or bargaining unit representative.
3. When required to do so in accordance with the Public Records law.

XVII

Department internal investigation files shall be retained in accordance with the retention schedule for public records.

Richard L. Lewis
Chief of Police