

SUBJECT: PROFESSIONAL CONDUCT REVIEW SYSTEM

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52.1.1 Accountability philosophy

The Department encourages constructive comments from the public, including commendations for good service and concerns about employee conduct. Maintaining a high level of accountability requires a working partnership with citizens. The Department assures that commendations are directed to employees/units providing exceptional service, and assures that all complaints and service concerns are investigated thoroughly, with a genuine desire to provide the best police service to the community and to maintain a standard of employee behavior that reflects the highest level of professionalism. In return, the Department asks members of the community to report service and behavior issues to the Department responsibly, accurately and promptly.

The Department recognizes that pursuing a complaint against a police employee can be intimidating for some members of the public. To that end, the Department assures that any person can file a complaint about service or employee misconduct without fear of retaliation. The Department also provides alternative reporting methods and/or reporting assistance to anyone who feels uncomfortable or needs help in filing a

complaint.

The professional integrity of the Olympia Police Department is maintained through an effective professional conduct review system. Thorough, fair and impartial investigations are the cornerstones of a system that is designed to clear the innocent; hold wrongdoers accountable; facilitate fair, suitable and consistent disciplinary action; correct problematic behavior; and foster the trust of both the public and employees. As a further safeguard, internal investigations that relate to use of force are subject to review and approval by a member of the City Attorney's staff appointed to that task by the City Council.

52.1.2 Definitions

- I. *Commendation*: A commendation, in this context, means any positive comment or compliment intended to recognize an employee for exemplary service.
- II. *Complaint*: A complaint is a comment made by a member of the public alleging dissatisfaction with the service provided by or conduct of a Department

member with the expectation that there will be an investigation of that service or conduct.

- III. *Internal investigation*: An internal investigation is the formal inquiry process used to determine if an allegation of serious employee misconduct is valid.
- IV. *Professional conduct system intake form*: A professional conduct system intake form is an internal Department form used to document new entries into the professional conduct review system. It is appropriate for all types of initial intakes into the system and is designed for use by any employee.
- V. *City of Olympia Citizen Comment form*: The City's Citizen Comment form is used at the initial intake level in the professional conduct review system. It is used for all types of initial intakes and is designed for direct use by citizens.
- VI. *"Allegation of Serious Employee Misconduct" form*: An "Allegation of Serious Employee Misconduct" form is a City form used to collect intake information for internal investigations. It is designed for use by supervisors.
- VII. *Principals*: The following persons are principals in a complaint:
 - A. The person(s) directly effected by the behavior that motivated the complaint;
 - B. The person(s) witnessing the behavior that motivated the complaint;
 - C. The parent(s) or legal guardian(s) of a minor child who was directly involved by the behavior that motivated the complaint;
 - D. An attorney retained to represent a person described in 52.1.2(VI.A-C);
 - E. The employee(s) whose behavior motivated the complaint;
 - F. The employee(s) witnessing the behavior that motivated the complaint.
- VIII. *Complainant*: A complainant is a person who actually files a complaint with the Department. A complainant may be a principal, a person unrelated to the event or an anonymous person.

52.1.3 Elements of the professional conduct review system

The professional conduct review system consists of two elements: commendations and employee misconduct incidents.

I. Commendations

- A. Positive comments (commendations) from citizens help the Department identify employee behaviors that are most appreciated by the community.
- B. Commendations are shared with employees and the City Council both to honor the involved employees and to reinforce the behaviors that the community values.
- C. Copies of written commendations are placed in the personnel files of involved employees and are displayed in a conspicuous place in the police facility for general review.

II. Employee misconduct incidents

To assure appropriate responses to specific employee behavior, incidents of employee misconduct are classified in the following categories:

- A. *Internal discipline* - Supervisors are accountable for administration of the employee discipline system, which is described in General Order 26.1. Because of the relevance of disciplinary matters to overall professional conduct, they are included in the professional conduct review system.
- B. *Performance complaints* - Supervisory inquiries are conducted in situations where a complaint is determined to be based on service-related or performance-related issues. Examples of such situations include, but are not limited to:
 - Failure to take proper police action;
 - Slow or no response to a request for service;
 - Poor demeanor, rudeness;
 - Disagreements;
- C. *Allegations of serious misconduct* - Formal internal investigations are conducted in situations where a complaint alleges a serious breach of policy or a violation of the law. Examples of such situations include, but are not limited to:
 - Use of excessive force;
 - False arrest;
 - Civil rights violation;
 - Violation of criminal law;

52.1.4 System administration

I. Responsibility for professional conduct review.

The Chief of Police is responsible for the professional conduct review system and delegates the responsibility for administration of that system to the Professional Standards Lieutenant. The Professional Standards Lieutenant, when acting as system administrator of the professional conduct review process, reports directly to the Chief of Police.

II. Centralized processing of professional conduct issues.

- A. All commendations and employee misconduct incidents are reported to the Professional Standards Lieutenant without delay.
- B. All employee misconduct incidents are processed and assigned for investigation by the Professional Standards Lieutenant.

III. Role of the system administrator.

In his/her role as the system administrator, the Professional Standards Lieutenant is responsible for the following:

- A. Tracking and processing of commendations, performance complaints, allegations of serious employee misconduct, disciplinary actions and incidents of damage to Department property that are employee-related.
 - 1. Based on information supplied on the appropriate Department or City form, the Professional Standards Lieutenant reviews the issue involved; enters it into the professional conduct database; and assigns it a system identification number.
 - 2. If, in the initial review phase, the Professional Standards Lieutenant determines that a complaint is totally without merit, he/she may close the investigation and so notify the principals and the Chief of Police, in writing. To declare a complaint to be totally without merit, one of the following conditions must be able to be demonstrated:
 - a. Positive proof (photos, video, audio tape, etc.) clearly establishes that the allegation is untrue; or
 - b. The facts indicate that the allegation is clearly inconsequential or frivolous and no tangible harm can be reasonably associated with the behavior; or

c. The facts indicate that the allegation was made maliciously and with wanton disregard for the truth; or

d. The complaint does not involve the Olympia Police Department or its employees.

3. The Professional Standards Lieutenant directs the originals of commendations to the Administrative Secretary for processing. [see 52.1.5(I.B)]

4. With employee misconduct incidents, the Professional Standards Lieutenant determines if an incident is a performance complaint or an allegation of serious employee misconduct; determines the appropriate supervisor to conduct the investigation; and assigns the case.

5. If, in the initial review process, the Professional Standards Lieutenant identifies that a performance complaint may lend itself to a mediated solution, he/she may follow the steps outlined in 52.1.5.III.

6. Initial review, evaluation and assignment is completed within ten (10) calendar days of the date a complaint is received by the Professional Standards Lieutenant.

7. Each division provides the Professional Standards Lieutenant with information on all disciplinary actions and incidents of damage to Department property that are employee-related in a manner that permits timely inclusion in the professional conduct database.

8. In any case involving possible criminal action by an employee, the Professional Standards Lieutenant confers with the Chief of Police, who determines the appropriate persons/units/agencies to conduct the required investigations. [see 52.1.5(IV.C & D)]

B. Supervision and control of investigations.

1. When acting as system administrator, the Professional Standards Lieutenant assumes functional supervision over all employee misconduct investigations.

2. The Professional Standards Lieutenant assures that assigned cases are promptly investigated and processed to protect the integrity of the Department and its members and to assure responsiveness to public concern.

3. Completed professional conduct system investigations are approved by the Professional Standards Lieutenant prior to final review and processing by division or Command staff.
- III. Confidentiality of professional conduct review investigations and records.
- A. Professional conduct system investigations are confidential, with information being shared only as provided in this General Order and as required by law.
 - B. The Professional Standards Lieutenant maintains the professional conduct database which tracks commendations, employee misconduct incidents, disciplinary actions and incidents of damage to Department property that are employee-related. The database provides the ability to produce a broad range of reports, and includes an "early warning" system that helps identify potential problems and permits proactive efforts to avert serious misconduct incidents.
 - C. The professional conduct database is password protected, and access is restricted to the Professional Standards Lieutenant, the Support Services Division Commander and the Chief of Police.
 - D. The Professional Standards Lieutenant may provide reports from the professional conduct database to supervisors to assist with the preparation of performance review documents or to assess training needs.

52.1.5 Professional conduct review procedure

I. Commendations

- A. Employee commendations may be received on a City of Olympia Citizen Comment form or a professional conduct system intake form, in a telephone call, or via email, correspondence or in-person contact.
- B. The Professional Standards Lieutenant forwards the original to the Administrative Secretary, who takes the following actions:
 1. Places a copy of the commendation in the personnel file of each involved employee;
 2. Forwards a copy of the commendation to the Chief of Police, the appropriate division commander and the City Manager;

3. Posts a copy of the commendation on the recognition board;
4. Files the original.

- C. The division of an employee who receives a commendation assures that a copy of the commendation is delivered promptly, through the chain of command, to the employee.

II. Performance complaint investigations

- A. Performance complaint investigations may be initiated in response to a City of Olympia Comment form, a telephone call or written correspondence received by a supervisor, or in other situations in which the complainant may or may not have signed a formal complaint.
- B. A professional conduct system intake form is used to document all performance complaints received by telephone, correspondence or in-person contacts from the public or employees.
- C. Performance complaint investigations are generally assigned to first-level supervisors for resolution.
- D. Final reports on performance complaints are completed in accordance with General Order 52.1.6.
- E. After a performance complaint investigation is completed and approved by the Professional Standards Lieutenant, the case is forwarded to the employee's division for review of the findings of fact, final disposition and any disciplinary action (if appropriate) by the division chain of command.
- F. Findings of fact on performance complaints are classified in one of the categories outlined in 52.1.12.
- G. The division commander advises the Professional Standards Lieutenant of the final disposition and any disciplinary action taken. The Professional Standards Lieutenant enters the information in the professional conduct database and assures that all case records are properly filed.
- H. Within five (5) business days of being notified of the final disposition, the Professional Standards Lieutenant sends a letter to the complainant notifying him/her of the final disposition.
- I. Each involved employee is notified of the final disposition in writing by his/her immediate supervisor. Such notifications shall be made in a timely manner, and no later than five (5)

business days following determination of the final disposition, unless the involved employee is not on duty during that five-day period, in which case notification shall occur on the employee's first day back to work following the determination of final disposition.

- J. The involved division commander informs the Chief of the final disposition of performance complaints.

III. Mediation

- A. If, through initial case review, the Professional Standards Lieutenant identifies that mediation of a performance complaint may be an appropriate and practical option, he/she may explore that option with both the complainant(s) and the involved employee(s). All parties must be amenable to a mediated solution for that alternative to be selected.
- B. When the Professional Standards Lieutenant is satisfied that mediation is, in fact, a viable alternative, he/she temporarily suspends the investigative process and assigns the case to an appropriate resource for mediation.
- C. The assigned mediator reports the results of mediation to the Professional Standards Lieutenant no later than ten (10) days following the conclusion of mediation.
- D. Complaints that are successfully resolved through mediation are assigned the disposition specified in 52.1.12(II) and no further action is taken.
- E. Complaints that are not successfully resolved through mediation are returned to the performance complaint investigation process for completion.
- F. Notification of final mediation dispositions is made to complainants, employees and the chain of command in the same manner as specified for other performance complaints. [see 52.1.5.II(H), (I) and (J)]

IV. Internal investigations

- A. Internal investigations are first documented by a supervisor. To document the allegation, a supervisor, working with the complainant, completes a City Allegation of Serious Employee Misconduct form.
 - 1. Complainants are strongly encouraged to read and sign the waiver portion of the Allegation of Serious Employee Misconduct form.

- 2. If a complainant declines to sign the waiver, the supervisor completing the form reviews the content of the waiver with the complainant and documents the date and time of the declination and the required review.

- 3. When completed, the form is forwarded to the Professional Standards Lieutenant for processing and case assignment.

- B. The supervisor initially documenting an internal investigation furnishes the complainant with a copy of the pamphlet, "*Customer Complaint Process*" (in the complainant's primary language, when available). The pamphlet describes the rights and responsibilities of the complainant, the investigative process and actions the complainant should expect from the Department.

- C. The Professional Standards Lieutenant determines if an allegation of employee misconduct involves a violation or potential violation of the law.

- 1. If a clear or potential violation of the law is present, separate investigations - one criminal and one internal - are conducted by different investigators.

- 2. The Professional Standards Lieutenant confers with the Chief of Police to determine the proper assignment of the investigations.

- 3. The Chief of Police (or a designee, not the Professional Standards Lieutenant) oversees criminal investigations stemming from allegations of misconduct.

- 4. The outcomes of criminal investigations are prescribed by law and are not subject to Department policies or procedures.

- D. Internal investigations are generally investigated by the Professional Standards Lieutenant, by team/bureau lieutenants or by another qualified person designated by the Chief of Police. The Chief of Police may request assistance with internal investigations from outside agencies, as he/she deems necessary and appropriate.

- E. After an internal investigation is deemed complete by the Professional Standards Lieutenant, the case file is forwarded to the employee's division commander for review, evaluation and disposition processing.

- F. Findings of fact on internal investigations are classified in one of the ways described in

52.1.12.

G. The division commander reviews the case, evaluates the findings of fact (i.e., concurs/does not concur) and recommends disciplinary action (if appropriate) to the Chief of Police.

1. If the commander does not concur with the findings of fact, he/she may either return the file to the Professional Standards Lieutenant with directions to supply additional information necessary to support the findings, or he/she may adjust the findings.

2. If the reviewing commander concurs with the findings or adjusts the findings (as described in F.1), he/she makes a disciplinary recommendation (if appropriate) and forwards the file to the Chief for final disposition.

H. The Chief reviews and accepts or modifies the findings of fact, evaluates the recommendation made by the division commander and determines the final disposition.

I. The Chief notifies the division commander and Professional Standards Lieutenant of the final disposition. The Professional Standards Lieutenant enters the disposition in the professional conduct database and assures that all case records are properly filed.

J. The Chief of Police notifies the affected employee(s) of the final disposition, in writing, through the chain of command.

K. The Chief of Police sends a letter to the person making an allegation of serious employee misconduct notifying him/her of the final disposition.

52.1.6 Investigative standards

I. The Department receives and processes all complaints about employee performance and misconduct.

II. The scope of work of persons assigned to investigate performance complaints and internal investigations is limited to determining the *findings of fact* in a manner that is thorough, fair and impartial and to reporting those findings accurately and in accordance with Department format.

III. Thorough, fair and impartial investigations generally require the person charged with conducting the investigation to contact and interview the principals in the complaint. Although all complaints about

employee performance and misconduct are investigated as thoroughly as possible, persons making third party and anonymous complaints are cautioned that, in investigations involving principals who are not known, who cannot be contacted, or who, when contacted, choose not to participate, it may be difficult or impossible to produce results that meet the standards required for sustained findings.

IV. If, during the course of an investigation, it is disclosed that misconduct beyond what was originally reported may have taken place, the newly disclosed misconduct is also investigated, reported and acted upon. If newly disclosed misconduct changes the classification of an incident, the Professional Standards Lieutenant is notified immediately. The Professional Standards Lieutenant assures that the procedures appropriate to the proper incident classification are followed.

V. Investigators assigned to performance complaint or internal investigations are responsible for informing the Professional Standards Lieutenant of continuing developments in those investigations to assist in determining whether to:

A. Retain the involved employee in his/her current assignment;

B. Relieve the involved employee from duty pending outcome of the investigation;

C. Assign the involved employee to another duty where there is close supervision and limited contact with the public and/or other police personnel.

VI. Persons assigned to performance complaint or internal investigations shall complete their work and submit a final report to the Professional Standards Lieutenant in a timely manner. The standard target date for completing investigations is as follows:

A. Service and performance-related complaints – Sixty (60) days from the date the case is received by the Department.

B. Serious misconduct - Ninety (90) days from the date the case is received by the Department.

VII. In cases where extenuating circumstances exist, or in cases involving extremely complex or sensitive investigations, the completion due date may be extended by the Professional Standards Lieutenant, with approval of the Chief of Police.

VIII. Each case is internally reviewed, processed and delivered to the Chief of Police for final review no later than ten (10) calendar days after the final case report is received by the Professional Standards Lieutenant.

- IX. If an investigation is extended beyond the standard investigative period, the assigned investigator is responsible for contacting both the complainant(s) and the involved employee(s) at least once a week to notify them that the investigation is continuing; to advise them of the date the investigation is projected to be completed; and, when appropriate, to notify them that the investigation is actually completed and has been forwarded for disposition.
- X. The final report on performance complaint investigations shall be submitted to the Professional Standards Lieutenant in a standard format prescribed by the Department, and shall include the following:
 - A. The date of the incident;
 - B. The name of the employee(s) involved;
 - C. The date the case was assigned;
 - D. A complete record of any investigation time limit extensions. (The record should reflect the date of each approved request and the reason the request was made);
 - E. The names and contact information for the principals in the complaint;
 - F. A written report containing:
 - 1. A summary of the allegations (a concise but complete synopsis of the allegations);
 - 2. A narrative presenting the details of the investigation (including a chronological summary of the investigation, witness interviews, etc.);
 - 3. The findings of fact- including, by numerical listing, a summary of the findings of fact (including citation of any violations of policy and/or law involved);
 - 4. An investigator's log showing the dates and times of contacts and other key actions related to the investigation.
 - G. Appendices containing:
 - 1. Transcripts of interviews with the complainant(s) and key witnesses;
 - 2. Letters and written statements from employees, citizens, and witnesses.
 - 3. Copies of all related reports.
 - 4. Copies of all memos or formal letters related to the investigation.
 - H. Photographs, video tapes, audio tapes and other relevant supporting materials shall also be submitted with the final report.
 - I. The date the final report is submitted;
 - J. The name and signature of the assigned investigator.
- X. The final report on internal investigations shall be submitted to the Professional Standards Lieutenant in a standard format prescribed by the Department, and shall include the following:
 - A. The date of the incident;
 - B. The name of the employee(s) involved;
 - C. The date the case was assigned;
 - D. A complete record of all investigation time limit extensions and complainant/employee notifications required by 52.1.6(VIII). (The record should reflect the date of each approved request; the reason the request was made; and the date, time and method of contact of each required notification);
 - E. The names and contact information for the principals in the complaint;
 - F. A written report containing:
 - 1. A summary of the allegations (a concise but complete synopsis of the allegations);
 - 2. A narrative presenting the details of the investigation (including a chronological summary of the investigation, witness interviews, etc.);
 - 3. The findings of fact- including, by numerical listing, a summary of the findings of fact (including citation of any violations of policy and/or law involved);
 - 4. An investigator's log showing the dates and times of contacts and other key actions related to the investigation.
 - G. Appendices containing:
 - 1. Transcripts of interviews with the complainant(s) and key witnesses;
 - 2. Letters and written statements from employees, citizens, and witnesses.
 - 3. Copies of all related reports.
 - 4. Copies of all memos or formal letters related to the investigation.
 - H. Photographs, video tapes, audio tapes and other relevant supporting materials shall also be submitted with the final report.
 - I. The date the final report is submitted;
 - J. The name and signature of the assigned investigator.

52.1.7 External review of internal investigations

I. Contract attorney review

A private attorney, contracted by the City Manager, works with the Professional Standards Lieutenant and monitors internal affairs investigations involving allegations of excessive use of force, bias and civil rights violations. In carrying out this function the contract attorney does the following:

- A. Meets and confers with the Professional Standards Lieutenant prior to the initiation of an internal investigation (as described) to discuss the nature and scope of the investigation, including but not limited to, potential witnesses, collection of evidence, relevant law and standards, past practices, viewing of the scene and other pertinent issues.
- B. Monitors the progress of investigations; assures that the rights of all parties are protected; if necessary, directs the Professional Standards Lieutenant to conduct additional investigative work to assure that a fair, complete and thorough investigation is produced; and assures that the recommendation is supported by the evidence gathered.
- C. Reviews and signs off on the report within thirty (30) days of receiving the draft final report from the Professional Standards Lieutenant and prior to its release to the division commander or manager and Chief of Police.
- E. Recommends improvements regarding investigative practices, departmental rules and regulations and training to the Chief of Police.
- F. At the request of the Chief of Police, monitors other investigations alleging serious misconduct in the same manner as described in this section.

II. Police auditor

The City Council contracts with an independent Police Auditor to audit segments of the professional conduct review system for the purpose of verifying the quality of investigations and adherence to City and Department policy. The Police Auditor's tasks include the following:

- A. Anonymously review for thoroughness, completeness, fairness and adherence to policy all internal investigations in which use of excessive force, false arrest, a civil rights violation or a violation of criminal law is alleged;
- B. Anonymously review for thoroughness, completeness, fairness and adherence to policy 25% of all other complaint investigations;
- C. Advise the City Council and the Chief of Police of any problems with investigative quality or adherence to policy that are revealed through audit, and suggest system improvements, as appropriate;
- D. Report audit results to the City Council and the Chief of Police, as required by contract.

52.1.9 Employee notification of allegations, rights and responsibilities

- I. All employees have access to the General Orders and are responsible for being aware of the provisions of the professional conduct review system.
- II. An employee who is a principal in a performance complaint or internal investigation is notified of the following in writing:
 - A. That he/she is a principal in a professional conduct investigation;
 - B. The nature of the investigation;
 - C. If he/she is the subject of the investigation or a witness;
 - D. The classification of the incident;
- III. Affected employees are afforded all protections provided under State and Federal law, the Olympia Civil Service Commission, Olympia City Ordinances, Department policy and the appropriate prevailing labor agreement.
 - A. Employees involved in investigations of employee misconduct have a responsibility to respond truthfully to questions asked by a superior officer [see 26.1.1(III.KK)]
 - B. Employees are afforded due consideration with regard to required conferences and interviews [see 26.1.10]

52.1.10 Conditions for additional investigation

Evidence collection for investigations involving Olympia Police Department employees is conducted in accordance with State law and the appropriate prevailing labor agreement.

52.1.11 Investigative suspension

- I. A supervisor (sergeant, lieutenant, civilian supervisor or civilian manager) may temporarily relieve an employee who is the subject of an internal investigation from duty with pay, when, in the opinion of the supervisor, the employee is unfit for duty due to physical or psychological reasons.
- II. A supervisor relieving an employee from duty under this section provides a full report detailing the circumstances leading to the decision to suspend to the division commander no later than the end of the first business day following the suspension.
- III. The division commander may terminate or extend the relief from duty as required by the circumstances.

- IV. In all cases where an employee is relieved of duty for an extended period of time under this Section, the employee's supervisors, the Professional Standards Lieutenant, the assigned investigator and the Command Staff are notified as soon as possible by the division commander authorizing the extended relief from duty.
- V. The division commander authorizing extended relief from duty under this policy shall notify the City Human Resources Department of the action, in accordance with City policy.

52.1.12 Internal investigations - findings of fact

- I. Each performance complaint and allegation of serious employee misconduct is assessed and, *based on the presence of a preponderance of evidence*, a finding of fact is made, using one of the following classifications:
 - A. *Sustained* - A finding of "sustained" is applied when the investigation discloses sufficient facts to prove the alleged behavior occurred.
 - B. *Not sustained* - A finding of "not sustained" is applied when the investigation fails to disclose sufficient facts to prove or disprove that the alleged behavior occurred.
 - C. *Unfounded* - A finding of "unfounded" is applied when the investigation shows that the alleged behavior did not occur.
 - D. *Exonerated* - A finding of "exonerated" is applied when the investigation shows the alleged behavior occurred, but also shows such acts to be justified, lawful, and proper.
 - E. *No finding* - A result of "no finding" is applied when the investigation shows one of the two following conditions to be present:
 - 1. The complainant failed/declined to disclose information to further the investigation.
 - 2. The allegations relate exclusively to another agency, and the complaint and/or the complainant has been referred to that agency.
- II. Resolved through mediation – Performance complaints may be declared to be resolved through mediation, indicating that the complaint was resolved by mutual consent and agreement of the principals without a formal investigation or findings
- III. The statement describing the findings of fact on sustained investigations shall specify the involved

violation(s) of policy and/or law.

- IV. Disciplinary action may result from sustained findings. [see 26.1.5(III)]
- V. If misconduct is discovered in an investigation that is not based on an allegation made in the original complaint, it shall be so noted in the findings of fact. As provided in this General Order, new allegations are investigated under the same procedures. The findings of fact shall make specific reference to any new internal investigations that may be generated from the original complaint.

52.1.13 Retention of system records

- I. Copies of commendations are placed in the personnel files of involved employees. The documents are retained in the manner prescribed for personnel files.
- II. Performance complaint and internal investigation records are retained according to the Department retention schedule.
- III. Hard copies of complaint and internal investigation records are maintained in a secure location with access restricted to those persons authorized by the Chief of Police.

52.1.14 System reports

- I. The Professional Standards Lieutenant compiles a quarterly statistical summary report from the appropriate records in the professional conduct review database and submits that report in a timely manner to the Command Staff for review.
- II. The Professional Standards Lieutenant submits an analytical memorandum with each quarterly report identifying any items requiring Command Staff attention.
- III. Quarterly reports shall include, but not be limited to a line item summary of each commendation, performance complaint and allegation of serious employee misconduct received during the quarter;
- IV. The fourth quarter report of each calendar year is in the form of an annual report that shows both activity for the quarter and the cumulative data for the year.
- V. Quarterly reports are made available through the Chief of Police to the public, City officials and Department employees.
- VI. In addition to preparing the required reports, the Professional Standards Lieutenant is responsible for continuous monitoring of the professional conduct review system, and for bringing potential problem

areas to the attention of the Command Staff in a timely manner. This includes providing the Command Staff with an individual history summary of any employee who has been the subject of two or more commendations, performance complaints or allegations of serious employee misconduct in the preceding twelve (12) months.

52.1.15 Quality control

- I. The Office of the Chief of Police initiates a follow-up contact with each person who files a complaint. The follow-up contact occurs after the case is completed and is designed to ascertain the complainant's perceptions about the fairness, thoroughness and timeliness of the investigation, and about the accessibility and usability of the professional conduct review system.
- II. Once each calendar year, the Chief (or designee) conducts an audit of the Professional Conduct review system that includes, but is not limited to the following.
 1. A review of all internal investigation files and a random sample of performance complaints to assure that they are fully compliant with this General Order.
 2. Verification of compliance with the training, review and reporting requirements specified in this General Order.
 3. Verification that all system files are current.
 4. A report that documents results of the audit.

52.1.16 Self-regulation

An essential characteristic of professions is the ability to self-regulate. In a profession, wilful misconduct by any member diminishes the reputation of the entire profession. The police profession is critically dependent on maintaining a high level of public trust as the basis for its success. Members of the Department are strongly encouraged to hold both themselves and their colleagues to a standard that contributes to maintaining the essential integrity and legitimacy of the police profession.

- I. Employees may utilize the professional conduct review system to bring breaches of standards to management attention and to seek internal remedies to non-professional behavior by members.
- II. Employees may utilize the professional conduct review system as a part of their "whistleblower" rights and protections. [see OAG #27]

52.1.17 Link with training and policy development

- I. In developing the annual training plan, the Professional Standards Lieutenant analyzes data derived from performance complaints and internal investigations to determine if there are indicators that training courses are warranted to enhance service and reduce complaints. If such courses are advised, they are recommended to the Command Staff for inclusion in the training curriculum.
- II. The Professional Standards Lieutenant monitors performance complaints and internal investigations for evidence of instances where Department policies or procedures need improvement. When such instances are noted, the Professional Standards Lieutenant, in a timely manner, advises the Command Staff that policy development is required.

52.1.18 Alternative methods for initiating complaints

- I. The forms published by the City for public use briefly describe the responsibilities of the complainant and the investigation process. In addition, the informational pamphlet entitled "*Customer Complaint Process*" is available to assist the public in knowing the rights, responsibilities and processes associated with the professional conduct review system. The pamphlet is available in several languages for those to whom English is not a primary language.
- II. Members of the community who are uncomfortable discussing concerns about police service or conduct directly with police management staff may also contact the City Manager's office or the City Attorney's office for guidance and assistance in making a service comment or initiating a performance complaint or internal investigation.

52.1.19 Citizen consideration

The Department endeavors to be considerate of the needs of citizens who become a part of the professional conduct review system.

- I. Citizens making complaints or comments are treated respectfully by Department employees;
- II. Citizens making complaints or comments are listened to attentively and in a non-judgmental manner by those employees taking, investigating and processing their complaints/comments.
- III. Professional conduct review conferences and interviews with citizens are scheduled, by appointment, during regular business hours or at other reasonable times that are convenient to the effected citizens.
- IV. Citizens are provided with a comfortable, private

location in which to discuss matters related to complaints and professional conduct investigations.

- V. At the time a complaint is made, each complainant is provided with key information about the review process, including, but not limited to the following:
 - A. Who (i.e., the supervisory level) they should expect to investigate the matter;
 - B. When they should expect to initially hear from the assigned investigator;
 - C. The time line for investigations;
 - D. Why investigation time lines may need to be extended; how that happens; and what notifications they should expect if extensions do occur;
 - E. What dispositions may result from the investigation;
 - F. What notification they should expect when the investigation is complete and when that notification should be expected.