


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT: OFFICE OF PROFESSIONAL STANDARDS PROCEDURES	POLICY NUMBER 1200
	CHAPTER: PROFESSIONAL STANDARDS	ISSUE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	EFFECTIVE DATE 02/19/2008
		TOTAL PAGES 7

I. OFFICE OF PROFESSIONAL STANDARDS COMMANDER

The Office of Professional Standards Commander is appointed by and shall report directly to the Chief of Police. (CALEA 51.1.2)

II. PURPOSE

A. The Office of Professional Standards (OPS) responsibilities include conducting internal, administrative investigations of Department members. Responsibilities also include, administering the Department's drug testing program, administrative audits of expenditures as determined by the Chief of Police, investigates all officer involved shootings and in-custody deaths. OPS is also responsible for (CALEA 51.1.1):

1. Investigations of allegations of misconduct made by citizens.
2. Recommend changes in policy, procedure, practice, and/or training needs that become apparent through investigations.
3. To conduct any lawful investigation ordered by the Chief of Police.
4. To conduct thorough background investigations of applicants for employment and forward the results to the Office of the Chief of Police and the Civil Service Commission.
5. To assist the Civil Service Commission with testing for promotions and entrance exams.

III. DISCUSSION

It is the practice of the Pine Bluff Police Department to appropriately investigate and record all complaints and information against department personnel, regardless of the source of such complaints or information including anonymous sources, juveniles, and persons in police custody so long as the complaint contains factual information to warrant an investigation. Investigation of these complaints through standardized procedures will demonstrate the Department's desire to provide honest, efficient police service and will inspire confidence in its personnel and ensure the integrity of the department and its personnel.

IV. INTERNAL AFFAIRS PERSONNEL

Officers selected for assignment to OPS should have a personnel record void of serious complaints. Officers should be familiar with state codes, and department policies and procedures. OPS Investigators should exhibit honesty and integrity at all times.

V. DEPARTMENTAL ATTORNEY

The Department contracts with an attorney to represent the Chief of Police in appeals arising from disciplinary action. The department attorney may be present during internal investigations and assist the OPS Investigator with questioning if necessary to clarify a statement. The department attorney and OPS personnel will render separate opinions on the status of the completed investigation when the attorney assists on an investigation.

VI. RECEIPT OF COMPLAINTS

A. Nothing in this procedure shall prohibit any citizen from exercising any additional rights or privileges or procedures as provided by applicable law. (CALEA 52.1.1; 52.1.2; 51.1.3)

1. **COMPLAINTS** – Complaints are defined as any act, alleged act or omission by an employee involving misconduct, or improper performance.
 - a. Complaints against Department personnel are initially directed to any supervisor on duty. Complaints may be taken by mail also. Upon receipt of a complaint, the Supervisor shall provide the complaining party a Pine Bluff Police Department Office of Professional Standards Complaint Form. Supervisors will explain to the complainant the process for completing the OPS Complaint Form. Upon request, a complainant who has filled out a Complaint Form is entitled to a photocopy of his or her completed complaint form at no charge.

- b. Supervisors should encourage complainants to come to the OPS to complete the complaint form; however, it is not mandatory for the complainants to do so. In the event a complainant refuses to come to the police station, the supervisor should take the information by phone, complete the form themselves and, note the refusal on the form.
- c. Supervisors may go to the complainant's location to complete the complaint form. The OPS will mail, fax or email a compliant form to any person requesting a form and include a pre-addressed postage paid envelope. While encouraging the filing of legitimate complaints against employees as means by which they can be held accountable to the public, the PBPD simultaneously seeks to hold members of the public responsible for the filing of false allegations against department employees. In cases of this nature, the complainant will be informed that appropriate legal proceedings, whether criminal or civil, may be initiated by the department.
- d. Supervisors shall enclose the completed original complaint forms in a sealed envelope and clearly mark the envelope "Chief of Police - Complaint Enclosed". Then the sealed envelope should be delivered to the supervisor's respective Bureau Commander (or in his absence, the most senior member of the Senior Command Staff) by 8:00 a.m. the following workday. A copy will be forwarded to the Chief of Police.
- e. Investigation of Complaints: Citizen complaints that allege use of excessive force, criminal activities or major violations of the department's policies and procedures will be forwarded to the Chief's Office for investigation by the Office of Professional Standards. Violations of policy, procedures, directives or unsatisfactory work performance will be investigated by the employee's supervisor and forwarded up the chain of command. Supervisors will assume the duties and obligations of their rank to discover and investigate employee inefficiency or misconduct at its earliest stages.
- f. The complaint will be forwarded to OPS for logging and assignment for investigation.
- g. **EXCEPTIONS:**
 - i. The simple dislike of a charge or feeling of innocence does not, by itself, justify the formal filing of a complaint against any officer performing his or her duties and should be handled by the officer's supervisor.

- ii. Complaints which solely question the statutory validity of an arrest or citation or act performed following departmental policy or statute which DOES NOT allege misconduct or wrongdoing on the part of the member may be assigned by OPS to the officer's supervisor. Complaints of this nature can be resolved by providing the complainant a brief explanation of the department policy or statute that justifies the act performed. Avenues of redress should also be explained.

VII. INVESTIGATION PROCEDURES

- A. When an officer is the subject of a criminal investigation or has been charged with a criminal offense, the department may suspend any related administrative investigation until the criminal matter has been resolved.
- B. Whenever related criminal and administrative investigations are being conducted simultaneously, no statements made by the Police Officer in the administrative investigation shall be provided to those conducting the criminal investigation. No Police personnel having knowledge of such statements shall participate in the criminal investigation.
- C. The department will investigate all incidents involving injuries serious enough to require medical treatment. An Office of Professional Standards Investigator will be notified immediately on injury cases requiring hospitalization or that result in death. The ranking supervisor on duty at the time of occurrence will notify an OPS Investigator of the incident.

VIII. INVESTIGATION WARNING FORM

- A. Any officer against whom a complaint has been lodged, and who is required to submit a report or be interviewed in regard to a complaint, will receive an Office of Professional Standards Investigation Warning Form. The warning form will advise the officer that he or she is part of an official investigation. The form will explain certain rights associated with self-incrimination, and will explain of any possible departmental charges for refusing to cooperate (CALEA 52.1.6).

IX. INTERVIEWS

- A. The officer will be advised that the interview is part of an internal administrative investigation.
- B. Interview sessions shall be for reasonable periods and shall allow for such personal necessities and rest periods as are reasonably required.
- C. Interview sessions shall, whenever practical, be conducted while the officer is on duty.
- D. Before a written report or taped interview is required, the officer will be advised of the nature of the complaint and be allowed to read the complaint form.

- E. If the officer requests it, he or she may have their private attorney present during the interview to observe. The attorney will not participate in the interview process. Attempts to interfere in the interview process will result in that person being required to leave the room. The interview will not be delayed for longer than 24 hours while an officer obtains an observer.
- F. All police officers may be compelled to answer questions related to their duties or fitness for duty. (Garrity vs. New Jersey, 385 US 493). Should an officer refuse to answer questions posed in an administrative investigation on the grounds of fear of self incrimination, the officer may be ordered to answer such questions, and shall be informed none of the information can or will be used against him or her in a criminal prosecution of the officer. Officers are subject to possible disciplinary action for refusal to answer questions. Disciplinary Action less than termination do not relieve the Officer of the obligation to cooperate in the internal investigation.
- G. All statements, records and evidence gathered during the investigation will be forwarded to the officer's Bureau Commander for review and recommendation.
- H. The Bureau Commander will forward his recommendation to the Chief of Police for review and action

X. DISPOSITIONS (CALEA 52.1.9)

- A. Dispositions (conclusions of fact) shall be decided according to the following categories:
 - 1. **UNFOUNDED** - when the investigation clearly indicates the act did not occur.
 - 2. **EXONERATED** - when the investigation clearly indicates the action occurred, but the action was justified, lawful and proper.
 - 3. **NOT-SUSTAINED** - when the investigation discloses insufficient evidence to prove or disprove the allegation made in the complaint.
 - 4. **SUSTAINED** - when the investigation discloses the act did occur and constitutes misconduct.
 - 5. **MISCONDUCT NOT BASED ON COMPLAINT** - when the investigation discloses misconduct not part of the original complaint.
 - 6. **POLICY FAILURE** - when the investigation reveals that the alleged act did occur, however, the member was acting in accordance with established Departmental Policy or the act was not covered by Department Policy.
 - 7. **WITHDRAWN** – complaint withdrawn by the complainant.

- B. Police officers will be notified of the final disposition within 14 days of the conclusion of an investigation (CALEA 52.1.4).
- C. Complainants will be notified in writing of the disposition of a complaint within 14 days of its resolution (CALEA 52.1.4).

XI. CONFIDENTIALITY ORDER

- A. The following order may be issued by OPS Investigators to any employee:
 - 1. “Whereas premature discussions of investigations conducted by the Office of Professional Standards are disruptive to the efficient operation of the Pine Bluff Police Department, hinders the proper investigation of complaints, is harmful to reputations, fosters rumors and may prevent the investigator’s ability to obtain the truth of the matter, the following is ordered”:
 - a. “Any employee of the Pine Bluff Police Department who is a participant in investigations conducted by the Office of Professional Standards, including, the subject of the investigation, the investigator(s) conducting the investigation, and any employee or witnesses in the investigation are hereby ordered not to discuss or disclose any information outside the investigative procedure regarding the investigation prior to it becoming public record. Including but not limited to, the nature of the questions asked, information obtained or revealed, or documents in connection with the investigation”.
 - 2. The order shall be signed by the investigating officer and the employee and the employee will be provided a copy. By their signature the employee indicates that they understand and will abide by the order.
 - 3. The violation of this order is deemed a Cardinal Offense.
 - 4. Members of the Pine Bluff Police Department who violate this order shall be subject to disciplinary action up to and including termination.
 - 5. This confidentiality order does not prohibit an employee from consulting with and /or retaining an attorney.

XII. APPEALS

When a Police Officer is dismissed, demoted, or suspended according to Policies or Procedures, he or she may appeal such actions to the Civil Service Commission in accordance with State Statute and Civil Service Rules.

XIII. RECORDS SECURITY AND STORAGE (CALEA 52.1.10)

- A. All records pertaining to an Internal Investigation will be kept confidential and stored in a locking file accessible only to the Chief of Police and Internal Affairs.
- B. OPS investigative files shall be purged after three and a half years unless ordered by a court of competent jurisdiction to maintain a particular file longer than the specified three years.
- C. Decisions regarding public disclosure of any information concerning an Internal Investigation will be made only in strict accordance with the provisions of the then applicable Arkansas Freedom of Information Act and such disclosure, if any, shall be through the office of the Chief of Police.
- D. The professional standards unit will maintain a central index of the following: complaints filed against the department and/or its members, employee disciplinary actions, the use of subject control, investigations of officer involved accidents, and investigations of vehicle pursuits. The professional standards unit will review and analyze such data for statistical comparisons to identify negative trends within the department.
- E. The professional standards unit will be responsible for assuring that all provisions in the department alcohol and drug policy are followed and for maintaining a record of employee tests conducted.

XIV. WEAPONS NOT ALLOWED IN THE OFFICE OF PROFESSIONAL STANDARDS

- A. Before entering the Office of Professional Standards the employee under investigation, either full time, part time, sworn, volunteer, or civilian, will leave his/her weapon in their vehicle. This applies to departmental issued and personal weapons of any type, make, or manufacturer.

- XIV. AUTHORITY:** The Professional Standards Unit is an investigative unit of The Office of the Chief of Police. The professional standards unit is directly responsible for ensuring the integrity of the PBPD and will be afforded the full assistance and cooperation of all department employees.