

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

COMPLAINTS, INTERNAL INVESTIGATIONS, AND DISCIPLINE

Approved By: Kenneth Burton Chief of Police

CALEA 6th Edition Standard: 26.1.4; 26.1.5; 26.1.6; 26.1.7; 26.1.8; 26.2.1; 26.2.2; 26.2.4; 26.2.5; 26.3.1; 26.3.2; 26.3.3; 26.3.4; 26.3.5; 26.3.7; 26.3.8

1020 COMPLAINTS, INTERNAL INVESTIGATIONS, AND DISCIPLINE

1020.1 PURPOSE AND SCOPE

The primary purpose of this Policy is to establish the procedures to be used in administrative investigations of department employees to ensure fair treatment of employees, complaining parties and witnesses. It is not the intent of this policy to discourage legitimate complaints.

Additionally this policy is to establish certain guidelines for criminal investigations of Department employees and to delineate the differences between, and the separation of administrative and criminal investigations of Department employees. This policy applies to all administrative and criminal investigations of alleged misconduct by Department employees, whether such investigations are initiated internally or as the result of a citizen complaint.

1020.2 POLICY

The Department is committed to high ethical standards. We are an integral part of the community, and we exist to serve the needs of citizens. The people entrust us with considerable authority, and we must be responsive to their concerns. The Department is also committed to seeing employees are treated fairly, and ethically during all investigations. The investigation of all complaints against the Department or its employees, together with fair and impartial evaluations of findings, serves to protect the public and the Department against acts of misconduct by police personnel and provides protection to police personnel against invalid charges made by the public. It is also the policy of this department to ensure that the community can report officer misconduct without concern for reprisal or retaliation. All employees are reminded that the mere fact they are being investigated in no way implies they committed any wrongdoing. The Department will accept and address all complaints of officer misconduct in accordance with this policy.

1020.3 SOURCES OF COMPLAINTS

Any person who believes that a Department employee has been involved in improper conduct has the right to make a complaint. In some circumstances Department employees may be obligated under the law and by Department policy to report improper conduct of other employees, as well as have a professional obligation to report such conduct.

The following applies to the source of complaints:

1. Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

Effective: 06/01/2014

Revision Date: 10/01/2017

Revision Date: 07/03/2018

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This policy was revised and re-titled with an effective date 10/01/2017

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2. Any department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
3. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if sustained, could result in corrective/disciplinary action.
4. Anonymous and third party complaints should be accepted and investigated to the extent that sufficient information is available.

1020.3.1 AVAILABILITY OF CITIZEN COMPLAINT FORMS

Citizen Complaint Forms will be maintained in a clearly visible location in the public lobby of the Police Headquarters building and any precinct building, and on the Columbia Police Department website. Forms may also be available at other City facilities. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.3.2 ACCEPTANCE OF COMPLAINTS

All complaints will be accepted by any employee and promptly given to the appropriate supervisor. All complaints shall be forwarded to the Internal Affairs Unit. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary. The following should be considered before taking a complaint:

- a. If the complainant is intoxicated or impaired to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Citizen Complaint Form to be completed and submitted at a later time. However, if an intoxicated or impaired person insists on filing a complaint, the complaint shall be taken and properly processed.
- b. Depending on the urgency and severity of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.3.3 LIMITATIONS ON COMPLAINT INVESTIGATIONS

The complaint investigation process is not intended to be used as an adjudicatory process for matters that should be resolved during the criminal justice process. Complaints of false arrest will be investigated only when it is clear the officer acted without probable cause. A disagreement over the issuance of a uniform citation is not a complaint unless aggravating circumstances apply. Such disagreements should be directed to the court having jurisdiction over the matter.

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Limitations on investigations of complaints pertain solely to complaints received from a member of the public, and in no way affect management rights or the discretion of the Chief of Police to investigate or act upon his or her own initiative.

1020.4 SUPERVISOR RESPONSIBILITIES

Supervisors at all levels are responsible for maintaining an appropriate level of accountability and discipline. A supervisor who becomes aware of a complaint shall take reasonable steps to prevent aggravation of the situation. Supervisors who become aware of employee conduct which may be subject to the provisions of the disciplinary process have the authority and the responsibility to take action in such instances. In general, an employee's immediate supervisor has primary responsibility for Class I investigations or inquiries, as defined below. The Chief or the authorized designee may, however, direct another supervisor or Internal Affairs to investigate any incident. The responsibilities of supervisors include, but are not limited to:

1. Ensuring that upon receiving or initiating any complaint, it is entered into the Blue Team system.
 - a. Upon receiving and reviewing the complaint Internal Affairs will be responsible for assigning the appropriate allegation(s).
2. Responding to all complaints in a timely, courteous, and professional manner.
3. Ensuring that upon knowledge of a complaint involving allegations of a potentially serious nature, the employee's chain of command and the Deputy Chief over Internal Affairs are notified as soon as practicable. Making every reasonable effort to obtain names, addresses and telephone numbers of complainants and witnesses.
4. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
5. Ensuring that the procedural rights of the accused employee are followed.
6. If the investigation is assigned to the supervisor, Internal Affairs will ensure the complainant receives:
 - a. a notification that the complaint has been received
 - b. the timeline for the investigation to be completed
 - c. a notification if the deadline for the investigation has been extended
 - d. notification that the investigation has been concluded and the findings category determined by the Chief of Police

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- e. updates on the status of the investigation every fifteen (15) calendar days from the date the complaint was received
- 7. Supervisors and Internal Affairs Investigators shall maintain an impartial perspective during an investigation.

1020.5 RELIEVING AN EMPLOYEE FROM DUTY

Any sworn supervisor, Sergeant and above, may place an employee on administrative leave with pay when it appears that such action is in the best interest of the Department. The supervisor initiating the leave shall make immediate notification to the appropriate chain of command, up to and including the appropriate Deputy Chief. The Deputy Chief shall promptly notify the Chief of Police regarding the circumstances leading up to the decision. The supervisor shall also prepare a written memorandum to the Chief of Police via the chain of command, outlining the facts leading up to the removal from duty. This written memorandum shall be completed prior to the end of the supervisor's shift. A copy of the memorandum shall immediately be forwarded to Internal Affairs, including the Deputy Chief over Internal Affairs, for further documentation and follow-up. The Deputy Chief will notify the Chief of Police as soon as practicable. Any suspension with pay that exceeds seven (7) calendar days shall be approved by the Human Resources Director, in accordance with City Ordinance 19-210.

An employee placed on such leave shall have no Department authority and shall not engage in any duty-related functions or extra-duty employment. The employee may be required to surrender all or part of Department-owned property, such as badge, identification cards, clothing and weapons, if deemed appropriate by the supervisor taking the action.

1020.6 TYPES OF INVESTIGATIONS

1. **Class I Investigations** – Class I investigations shall be conducted for complaints alleging misconduct of a less serious nature that may result in a written reprimand or lesser discipline/corrective action. These complaints will generally be investigated by the employee's supervisor. If the investigation is deemed to be complex, sensitive, or connected to a Class II complaint investigation, or if the involved employee has a disciplinary history within the applicable period (1 year for investigations resulting in Counseling and/or Training, 3 years for investigations resulting in a Written Reprimand or more severe disciplinary action) the complaint may be assigned to the Internal Affairs Unit at the discretion of the Deputy Chief of Police over that Unit. In addition, if the Class I investigation of a complaint reveals misconduct of a more serious nature, that investigation should be re-classified as a Class II investigation and assigned accordingly. In a Class I investigation the assigned investigator may elect to interview the employee who is the subject of the investigation, but is not required to do so. Prior to any investigative findings being made, the subject employee may provide a written or oral statement to the investigator.

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If assigned to the affected employee's immediate supervisor it will be his/her responsibility to ensure the complaint is properly handled and the investigations findings forwarded to Internal Affairs as soon as possible, generally to be within fifteen (15) calendar days of receipt of the complaint by the supervisor. An extension of fifteen (15) calendar days may be granted by the investigator's immediate supervisor for cause and must be documented and the extension communicated to the employee(s) being investigated. Additional requests for extension will be determined on a case by case basis by the Deputy Chief of Police over Internal Affairs, or designee, in accordance with this policy.

Allegations that may justify a Class I Investigation may include but are not limited to:

- a. Reporting to work late
- b. Failing to comply with personal appearance or equipment standards
- c. Work performance issues (late reports, productivity, etc.)
- d. Complaints of a minor nature from citizens or other persons
- e. Complaints of minor traffic violations
- f. Foul language

2. **Class II Investigations** – Class II investigations shall be conducted for complaints alleging misconduct of a more serious nature that may result in a written reprimand or more severe disciplinary action. Investigations of this nature will generally be conducted by the Internal Affairs Unit unless otherwise determined by the Deputy Chief of Police over that Unit. Class II Investigations should generally be completed within thirty (30) calendar days of receipt of the complaint by Internal Affairs. Extensions may be granted by the Chief of Police, or designee, for cause and must be documented and the extension communicated to the employee(s) being investigated.

Allegations that may justify a Class II Investigation may include but are not limited to:

- a. Dishonesty
- b. Excessive Force
- c. Criminal Conduct, on or off-duty
- d. Improper entry into a residence or business

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- e. Pursuit/Emergency Driving in violation of policy
 - f. Improper search of a person, vehicle, residence, or business
 - g. Arrest without probable cause
 - h. Failing to report to a supervisor or the Internal Affairs Unit any act of another employee that is criminal, dishonest, or can affect his/her integrity
3. **Incident Reviews-** Incident Reviews shall be conducted on incidents involving use of force, pursuits, collisions involving department vehicles, and loss/damage of department equipment. These reviews are to ensure employees are complying with department policies and procedures, and to provide a means of identifying a need for corrective measures.

Any employee involved in an incident may request an incident review be conducted. Reviews of this nature should be used as a tool to evaluate incidents, for educational purposes, to improve/debrief the tactical response of officers, evaluate decision making processes, and/or identify potential training needs. Requests of this nature will be reviewed and conducted upon approval of the Deputy Chief over Internal Affairs.

Generally, incident reviews are conducted by a supervisor and reviewed by the associated chain of command. If the initial review of the incident indicates a possible violation of department policies or procedures, the review will be re-classified as either a Class I Investigation or a Class II Investigation, and assigned for investigation accordingly. Incident Reviews should normally be completed within fifteen (15) calendar days of the incident prompting the review, unless the appropriate Deputy Chief of Police grants an extension for cause. Extensions that exceed thirty (30) calendar days will be approved by the Chief of Police and must be documented.

4. **Inquiries-** Inquiries respond to a complaint regarding the quality of service delivery, including concerns regarding customer service or the nature of department practices that are not alleging employee misconduct. Many of these complaints can be immediately resolved by means of information and explanation. If such communication resolves the matter to the satisfaction of the complainant, a Blue Team Entry documenting the inquiry and resolution shall be completed and no further action is required. If the complainant is not satisfied the inquiry should be forwarded to the Internal Affairs Unit for further documentation, assignment, and follow up.

1020.6.1 NOTIFICATION OF CHIEF OF POLICE

The Chief of Police shall be promptly notified via the chain of command of any complaint serious enough to possibly require immediate action, such as placing an employee on administrative leave. Notification of the Chief regarding lesser types of complaints may be made at the discretion of the Deputy Chief of Police.

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1020.7 ADMINISTRATIVE INVESTIGATIONS

The Internal Affairs Unit is responsible for the review and oversight of all complaints. All employees shall respond to requests from the assigned investigator just as they would respond to a request from the Chief of Police.

1020.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and department vehicles, are subject to inspection with advance notice, and may be searched without notice as part of an administrative investigation upon a reasonable suspicion of misconduct. A request to conduct a search without notice as part of an investigation must be made in writing, including the basis for reasonable suspicion, and submitted for approval in advance by the Deputy Chief over Internal Affairs. Such areas may also be accessed any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1020.9 EMPLOYEE RIGHTS AND RESPONSIBILITIES IN AN ADMINISTRATIVE INVESTIGATION

1. Every department employee is required to establish and maintain a working knowledge of all City and Department rules, regulations, policies and procedures. In the event of a performance complaint or alleged misconduct, it will be presumed that the employee was familiar with the City and Department rules, regulations, policies, and procedures in question.
2. Any statements the employee makes, including answers to questions, and any evidence which is gained as a result of such statements, cannot be used against the employee in any subsequent criminal proceedings.
3. All department employees are required to fully and truthfully cooperate in administrative investigations.
4. Refusal to answer questions truthfully will subject the employee to discipline, up to and including termination.
5. While an administrative investigation is ongoing, no employee against whom a complaint has been filed, nor the employee's representative or attorney, shall contact any complainant or witness concerning the complaint or its investigation unless authorized to do so in writing by the Chief, nor shall any employee interfere with the investigation. However, once an investigation has been completed the employee and/or his or her attorney may then contact the complainant or other witnesses in the investigation for the limited purpose of preparing information to present at the pre-

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decision meeting. The employee shall respect the right of the complainant or other witnesses to choose not to talk to the employee, or his or her attorney, regarding the investigation or the subject matter thereof; this sentence is not intended to bar the use of lawful process for compelling testimony. Further, no employee shall intimidate, threaten or harass any complainant or witness or attempt to persuade such complainant or witness to withhold or falsify any testimony or to absent him or herself from any administrative proceeding.

6. An employee under administrative investigation may not review his or her Internal Affairs file, or any documents or evidence pertaining to the investigation until the investigation is completed.
7. Whether conducted by a supervisor or Internal Affairs, any employee who becomes the subject of an administrative investigation shall be entitled to the following administrative process:
 - a. Being notified in writing, within a reasonable period of time not to exceed ten (10) calendar days, of the complaint being filed and prior to conducting any investigation beyond a cursory review, of the existence and contents of the complaint which initiated the administrative investigation, except that such disclosure may be withheld until the investigation is completed upon a written directive from the Chief of Police or acting Chief of Police, if he/she determines that disclosure might jeopardize the investigation.
 - b. In conjunction with the notification of the complaint, being notified that:
 - i. The employee is required to fully and truthfully cooperate in administrative investigation,
 - ii. Refusal to answer such questions truthfully will subject the employee to discipline, up to and including termination.
 - iii. Any statements the employee makes, including answers to questions, and any evidence which is gained as a result of such statements, cannot be used against the employee in any subsequent criminal proceedings.
 - c. An opportunity to respond to the complaint and/or allegation.
 - d. An opportunity to meet with the Chief of Police before imposition of serious discipline. However, the Chief of Police is not required to meet with classified employees who have not completed the probationary period, or unclassified employees as defined in the City of Columbia Code of Ordinances. Serious discipline means a suspension without pay, involuntary demotion, or termination of employment.

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- e. If discipline is imposed, the opportunity to utilize applicable processes as provided by City of Columbia Personnel Policies and Procedures.
- f. Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty unless the severity of the allegation requires immediate action. If the employee is not on duty at the time of the interview he/she shall be compensated.
- g. Unless waived by the employee, interviews of an accused employee shall be at the Columbia Police Department or other reasonable and appropriate place.
- h. No more than two interviewers should ask questions of an accused employee.
- i. Once an investigation is completed and the Chief has provided findings, upon request, the Internal Affairs Unit shall provide the employee under investigation with any audio/video recordings, records, statements or other evidence that is relevant to the complaint unless the release would interfere with, or jeopardize the integrity of any investigation as determined by a written directive from the Chief of Police.
- j. All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- k. No employee should be subjected to offensive or threatening language. The investigator shall make no promise or offer of a reward to the employee as an inducement to answer questions. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions and may be subject to discipline for failing to do so.
- l. The interviewer should record all interviews of employees and witnesses. The employee may also record the interview if they notify the interviewer beforehand.
- m. All employees subjected to interviews that could result in discipline have the right to have one (1) uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet collectively or in groups prior to being interviewed.
- n. Employees subjected to interviews that could result in discipline will have up to forty-eight (48) hours to secure representation, except that on the express written approval of the Chief of Police, or acting Chief of Police, on a case-by-case basis the time may be limited to address the needs of the investigation.
- o. The representative of the employee shall not be:
 - i. A witness in the pending investigation concerning the employee;

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- ii. The subject of an active administrative investigation who has been placed on administrative leave;
 - iii. Involved in either the employee's administrative or criminal investigation; or
 - iv. A supervisor in the chain-of-command of the employee.
 - v. A relative of the employee.
- p. The representative's role shall be restricted to that of an observer, and not as a participant in the questioning or investigation. The employee's representative may not interfere with the questioning or investigation, but may suggest breaks to address personal needs of the employee.
- q. The representative shall not be questioned by the investigator regarding matters pertaining to the investigation without written approval from the Chief of Police, or acting Chief of Police. Prior to the conclusion of the interview the subject employee shall have the opportunity to meet in private with his/her representative in order to determine if there is any additional information, clarification, or questions that need to be addressed and included in the record.

1020.10 INVESTIGATION FINDINGS ("CONCLUSION OF FACTS")

At the conclusion of the investigation, the investigator shall draft the allegations of misconduct applicable to the complaint and applicable to the facts found during the investigation. The allegations of misconduct shall address, at a minimum, the complaint as received and must also address any other misconduct identified in the course of the investigation. To the extent that the same conduct gives rise to both a specific breach of policy and a more general breach of policy that does not provide a basis for additional discipline, only one allegation is needed and the more specific policy should be referenced. The allegations of misconduct should be drafted in a manner that provides a basis to address any necessary corrective actions.

For every allegation of misconduct, the involved employee shall receive a type-written "conclusion of fact" from each member of the reviewing chain of command which will contain the findings related to the particular allegation and the recommended discipline. The disposition recommendation categories are:

1. **Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department employees. Complaints that are determined to be frivolous will fall within the classification of unfounded.
2. **Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
3. **Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

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4. **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

1020.10.1 POLICY/PROCEDURE REVIEW

In addition to making the findings above, the employee conducting the investigation, and anyone involved in the chain of command review, should consider whether the complaint has given cause to re-evaluate a department or city policy/procedure for possible improvement.

Unless otherwise authorized by the Chief of Police, or designee, the subject employee shall receive the notification of findings in writing within three (3) days of the Chief of Police completing his/her findings and any related disciplinary action(s). Upon receipt of the notification of findings the subject employee shall have ten (10) calendar days to request, in writing, a meeting with the Chief of Police. If requested within the ten (10) calendar days, the Chief of Police shall meet with the subject employee prior to imposing any discipline.

1020.11 DISCIPLINARY SYSTEM

The concept of progressive discipline is intended to improve an employee's conduct and performance through corrective actions prior to formal discipline being administered. Consistency in administering discipline is desirable and should be considered when determining the appropriate level of discipline imposed. While often similar, incidents of misconduct are rarely identical. For this reason the Department retains the right to treat each occurrence on an individual basis without necessarily establishing a precedent. Higher than normal discipline can be used if aggravating circumstances exist for the increased discipline. Such circumstances must be articulated and documented. Allegations that have not been sustained will not be considered when determining the level of discipline.

1020.11.1 TYPES OF CORRECTIVE ACTION AND DISCIPLINE

a. Verbal Warning/Coaching/Counseling

The purpose of a verbal warning/coaching/counseling is to allow the supervisor an opportunity to bring to the employee's attention the need to improve the employee's performance, work habits, behavior or attitude, and to serve as a warning against further unsatisfactory conduct. The goal of a verbal warning/coaching/counseling is to change negative behavior before punitive discipline is necessary. Verbal warning/coaching/counseling as a component of the disciplinary system may be employed by itself or in conjunction with one (1) or more of the components of the disciplinary system. The supervisor involved shall record all instances of a verbal warning/coaching / counseling in a Performance Log Entry that is retained by the supervisor for one (1) year from the date of signature. The performance log entries should be addressed in performance evaluations and then destroyed in accordance with record retention policies. A verbal warning/coaching/counseling may

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also be utilized by any supervisor outside the complaint process in order to correct behavior or address a deficiency in training.

b. Training

Training strengthens an employee's performance by improving productivity and effectiveness using positive and constructive methods. Training may be employed by itself or in conjunction with one or more of the other components of the disciplinary system. Employees are required to diligently maintain an acceptable level of competence in the performance of their duties. Officer's acts, which are committed because they either misunderstood procedures or were never made aware of the correct action, are indicators of training needs.

Remedial training is personalized training to correct a specific deficiency, which is usually identified by testing, evaluation during training, by a supervisor evaluating an employee during routine job performance, or by acts requiring disciplinary actions. As a function of their job, supervisors are required to identify any shortcomings, deficiencies, or lack of sufficient knowledge in their employee's job performance. In a non-disciplinary action, an employee may be assigned to remedial training if a supervisor, through the employee's chain of command, recommends the process to correct a lack of skill, knowledge, or abilities to perform their assigned tasks properly.

Upon completion of a remedial training program participants shall be evaluated to determine whether or not existing deficiencies were alleviated. The type of training provided and the results of the evaluation shall be documented and forwarded through the chain of command to the Chief of Police.

A regular review of internal investigations should analyze information to determine possible training needs by identifying undesirable behavior trends of individuals or groups within the Department.

c. Written Reprimand

A written reprimand by a supervisor documents that some action, lack of action, or performance is unacceptable and will, if repeated, result in further disciplinary action. Written reprimands must be signed by the Chief of Police, or acting Chief of Police, and will be maintained in the employee's permanent personnel file in Human Resources. Written reprimands should be reflected on the employee's performance evaluation, including any noted improvements.

When a supervisor utilizes one or more of these methods of corrective action he/she shall complete a Performance Log Entry. The entry should include a summary of the behavior that needs improvement and what improvement is required, and should be addressed in performance evaluations. Both the supervisor and the employee shall sign the Performance Log Entry and it shall

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be placed in the supervisor's employee file for one (1) year from the date of signature, and should be addressed in performance evaluations and then destroyed in accordance with record retention policies.

d. Suspension

In the event behaviors or violations are continued or repeated and the employee has already received verbal or written reprimands, or if the nature of the offense demands more serious discipline, an employee may be suspended for a specific period of time. Suspensions must be authorized by the Chief of Police, or acting Chief of Police. Records of suspensions will be maintained in the employee's permanent personnel file in Human Resources.

e. Demotion

A demotion may be warranted when lower levels of discipline fail to correct a problem, when there has been a documented inability to fulfill the duties of the higher-level job in a satisfactory manner, or upon a serious breach of departmental rules and regulations. A demotion will result in the reduction of the rank of the subject employee and corresponding permanent reduction in wages, calculated in accordance with City Ordinance 19-84(f). Demotions must be authorized by the Chief of Police. Records of all demotions will remain in the employee's permanent personnel file in Human Resources. In cases where the only alternative to demotion would be dismissal from the Department and the Chief of Police deems it is in the best interest of the Department, such demotion may be utilized as a means of retaining the employee.

f. Termination

For a continued series of minor offenses, repetition of more serious offenses or on the first occurrence of a serious offense, an employee may be dismissed from the Department. Dismissal may occur after progressive discipline has been taken and there is no change in the employee's performance or behavior, or when an act is of a serious nature.

Any employee whose conduct results in dismissal shall be provided the following:

1. A statement citing the reason for termination, including the relevant section of the City of Columbia personnel ordinances;
2. The effective date of termination;
3. A statement of the status of accrued employee benefits after termination;
4. A statement indicating the steps and time frame in which appeals need to be made in accordance with City of Columbia Ordinances and Human Resources Personnel Policies and Procedures.

1020.11.2 CORRECTIVE ACTION AND DISCIPLINE RESULTING FROM CLASS I INVESTIGATIONS

Effective: 06/01/2014

Revision Date: 10/01/2017

Revision Date: 07/03/2018

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This policy was revised and re-titled with an effective date 10/01/2017

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Generally, Class I Investigations that result in a sustained finding will result in the employee receiving one or more of the following;

- a. Verbal Warning/Coaching/ Counseling;
- b. Training;
- c. Written Reprimand (Written reprimands can be issued by the involved employee's Supervisor, but must be signed by the Chief of Police, or acting Chief of Police.)

Elevated discipline is available if warranted by aggravating circumstances with approval through the chain of command including the Chief of Police, or acting Chief of Police.

1020.11.3 CORRECTIVE ACTION AND DISCIPLINE RESULTING FROM CLASS II INVESTIGATIONS

Generally, Class II Investigations that result in a sustained finding will result in the employee receiving one or more of the following;

- a. Verbal Warning/Coaching/ Counseling;
- b. Training;
- c. Written Reprimand (Written reprimands can be written by the involved employee's Supervisor, but must be reviewed and signed by the Chief of Police, or acting Chief of Police.);
- d. Suspension;
- e. Demotion;
- f. Termination of employment.

1020.12 APPEALS TO DISCIPLINE

A subject employee has the right to appeal using the procedures established by City of Columbia Ordinances and/or Personnel Policies and Procedures.

1020.13 CRIMINAL INVESTIGATION

Employees may be subject to an administrative investigation and/or a criminal investigation to determine the factual basis of any complaint. It is the Policy of this Department to distinguish between the two types of investigations to protect the rights of employees. Administrative and criminal investigations shall be conducted separately and investigated by different individuals in order to maintain the integrity of each process.

1. The Chief of Police shall be notified as soon as practicable when an employee is suspected of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request that a criminal investigation by an outside law enforcement or prosecutorial department be conducted parallel to the administrative investigation.

Effective: 06/01/2014

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2. An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions.
3. The employee under investigation should not be administratively ordered to provide any information in the criminal investigation. No information or evidence gained from the employee during the administrative investigation may be provided to the investigator conducting the criminal investigation, or to any prosecutor. The criminal investigator shall not have access to information that came from compelled disclosures made by the employee under investigation.
4. Upon the completion of a criminal investigation, the information may be included in an administrative investigation.
5. In accordance with the Missouri Sunshine Law, the Department may release limited information concerning the arrest of a peace officer which has not led to a conviction.
6. Generally, no disciplinary action should be taken until an administrative investigation is conducted.

1020.14 NOTIFICATION TO MISSOURI POLICE OFFICER STANDARDS AND TRAINING (POST)

The Chief of Police, or designee, shall notify POST whenever any officer resigns or is terminated as a result of any investigation or disciplinary action.

1020.15 INTENTIONALLY FALSE ASSCUSATIONS OF MISCODUCT BY A COMPLAINANT

Complaints that have allegations that implicate a criminal violation and are determined by the Internal Affairs investigation to be intentionally false may be turned over to the Boone County Prosecuting Attorney for possible charges against the complainant for the filing of a false report as defined by RSMO 575.080.

1020.16 INTERNAL AFFAIRS RECORDS MAINTENANCE AND SECURITY

The Internal Affairs Unit will be responsible for maintaining a record of all complaints against the Department or its employees. The confidentiality, security, and maintenance of Internal Affairs records will be a function of the Internal Affairs Unit and will be separate from the centralized records system. The schedule for retaining Internal Affairs records will be consistent with any legal requirements.

1020.17 AVAILABILITY OF ANNUAL STATISTICAL SUMMARIES

The Internal Affairs Unit will prepare an annual report containing statistical summaries of complaints and associated findings. This report will contain data from the previous calendar year and will be made available to the public no later than March 1st of each year on the Department website. Hardcopy requests will be fulfilled in accordance with open records laws.