



POLICY TITLE: *Complaint Procedure*

STANDARD/REF #:

22.1.2a; 22.4.1; 22.4.2;
22.4.3; 26.1.5; 26.1.6; 26.2.1;
26.2.2; 26.2.3; 26.3.1; 26.3.2;
26.3.3; 26.3.4; 26.3.5; 26.3.6;
26.3.7; 26.3.8; 42.1.6;
82.2.2b

APPROVED BY: *David Dostal, Chief*

REVIEWED DATE: 1/6/2025

REQUIRED REVIEWERS: *Professional Standards*

REVISED DATE: 1/6/2025

POLICY/PURPOSE:

The purpose of this directive is to establish guidelines and procedures for receiving, reporting, investigating, and adjudicating allegations of department employee misconduct.

It is essential that the entire community have confidence in the administration that supervises the exercise of police authority. This requires procedures for adequate and expedient processing of all complaints against the department and its employees including anonymous complaints. [26.2.1]

The Chief of Police is charged with the responsibility and has the authority to maintain discipline within the department. Accordingly, he must ensure that internal investigations are conducted according to the fundamental principles of fairness, and that department employees are afforded all of their rights. The Chief's office will be responsible for maintaining the records of all complaints, both minor and major in nature and assure that the files and records are secure. [26.2.2]

All employees will comply with department rules, regulations, directives, and orders. All employees will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and property of all individuals. At the same time, department employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Prompt, thorough investigations will be conducted into all complaints to establish facts that can absolve the innocent and identify the guilty.

Refer to the Iowa Peace Officer, Public Safety, and Emergency Personnel Bill of Rights – 80F.1

DEFINITION:

Complaint

- **Basic Definition:**
 - A complaint is defined as any alleged misconduct made against an employee, whether it involves a violation of policy, procedure, code of ethics, state or federal law, or other recognized standard of conduct.
- **Formal Definition:**
 - Refer to 80F.1 of the Code of Iowa.
 - Also referred to as an “Administrative Investigation”



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Complaint Source – Complaints will be accepted from any source. A complaint may be received by the department in person, by telephone, by e-mail, by letter or anonymously. No employee shall attempt to discourage, interfere, influence or delay an individual from making a complaint.

Coaching – A form documenting a verbal correction given for minor policy violations. The form will be placed in the employee's disciplinary file. This is not punitive in nature. [26.1.4b]

- Refer to the Disciplinary System directive

Disciplinary Action – A complaint which could result in the termination, demotion, suspension or receipt of a written reprimand by the affected employee (See *Disciplinary System* directive for further details).

Duty to Disclose – The landmark decision of *Brady v Maryland* (1963) places an affirmative constitutional duty of a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information.

Exculpatory Evidence/Brady Material – Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee.

Informal Inquiry – Means a meeting by supervisory or command personnel with an employee who is the subject of an allegation, for the purpose of resolving the allegation or determining whether a formal administrative investigation should be commenced.

Interview – Means the questioning of an employee who is the subject of a complaint pursuant to the formal administrative investigation procedures of the investigating agency, if such a complaint may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the employee. "Interview" does not include questioning as part of any informal inquiry or questioning related to minor infractions of agency rules which will not result in removal, discharge, suspension, or other disciplinary action against the employee.

Line Investigation – An investigation referred to the division commander for assignment to the affected employee's supervisor. [26.3.1a]

Internal Investigation – A formal administrative investigation assigned to Professional Standards for investigation of serious allegations of misconduct (i.e. allegations of corruption, brutality, misuse of force, breach of civil rights and criminal misconduct). [26.3.1b]



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DOCUMENTING AND ACCEPTING COMPLAINTS: [26.2.1; 26.3.1a; 82.2.2b]

All Cedar Rapids Police Department (CRPD) employees will be required to accept and forward to a supervisor any complaint that comes to their attention.

An attempt should be made to refer all complaining persons and related correspondence to a command officer or the supervisor of the named employee. If the complainant will not talk to anyone else the receiving employee will complete a complaint form.

All external complaints should be submitted in writing on the Personnel Complaint Report (CRPD Form #333), or via online reporting.

- If the complaining party refuses to reduce their complaint to writing or is anonymous, the receiving employee or supervisor will document the allegation on a complaint form, stating the complainant's allegation and signing the form.
 - The written complaint will be forwarded to the Chief's Office. [26.3.2]

Allegations of improper or illegal activity brought forth internally will be documented by Supervisors or Professional Standards on a CRPD Memorandum. This memorandum is to be signed by the author and forwarded to the Chief's Office.

COMPLAINTS MADE BY JUVENILES: [82.2.2b]

If a juvenile would indicate they want to make a complaint against an employee, employees shall take the complaint in the same manner as if it was filed by an adult. Once a complaint is taken, an attempt must be made to notify the juvenile's parent or guardian concerning the complaint and the circumstances involved. In most circumstances, this notification should be completed by the commander investigating the complaint and should be documented in the final report. Standard investigative procedures will take place.

MISCONDUCT NOT BASED UPON A COMPLAINT:

If someone calls, writes, or personally appears to "let us know" that an employee did or said something of a non-serious or inconsequential nature, and the person does not want to be re-contacted, it will be considered an item of concern and can be handled as an "informal inquiry" outside of this process.

COMPLAINT CONFIDENTIALITY

When a complaint is made, it shall be treated as confidential. Information about the complaint SHALL NOT BE DISSEMINATED TO OTHER EMPLOYEES, including the accused employee. Once a complaint has been processed, it shall be the assigned investigator who determines the appropriate timing of notification of the accused employee. No other employee shall make this notification.



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*Complaints and internal investigations are part of an employee's personnel record and confidential by law (State Code of Iowa 22.7(11(5))), therefore complaints and investigation shall not be discussed or shared with anyone.

AFTER RECEIPT OF A COMPLAINT:

All written complaints shall go directly to the Chief of Police. It shall be the Chief of Police who determines whether an investigation is called for and what type of investigation will be conducted. No complaint shall be considered complete until final disposition is approved by the Chief of Police. [26.3.1a]

After reviewing a complaint, the Chief of Police will make a determination whether a line or internal investigation will be done.

Prior to any formal disciplinary action being taken, all written complaints will be forwarded to the Chief of Police for distribution and/or for final disposition.

ASSIGNMENT OF COMPLAINT TRACKING NUMBERS:

Once a complaint is made and an investigation is assigned, a case number will also be assigned by the Professional Standards Division.

Allegations that are major violations of policy and procedures shall be investigated by the Professional Standards Division. All investigations assigned to the Professional Standards Division shall be assigned a Professional Standards case number i.e. PS2016-01. [26.3.1b]

Complaints that are assigned to a Line Investigation shall be assigned to a Lieutenant or above or appropriate civilian supervisor for investigation. Complaints assigned to a Line Investigation shall be assigned a LI designation case number i.e. LI2016-01. [26.31a]

Line Investigations are administrative investigations assigned to the affected employees supervisor for investigation. Should a Line Investigation reveal serious policy violations, criminal violations or if assistance is needed, the Professional Standards will be contacted for guidance.

COMPLAINT ACKNOWLEDGEMENT NOTIFICATION: [26.3.4a]

All complaints require contacting the complainant.

Once a determination is made as to the type of investigation to be conducted, the investigating employee will send a letter and/or make a documented phone call to the complainant verifying receipt of the



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complaint, the investigative process, the expected time-line for completion, and the assurance that they will be contacted as to the results upon conclusion of the investigation.

NOTIFICATION TO THE EMPLOYEE(S) UNDER INVESTIGATION:

All employees who are being investigated for an administrative or line investigation will be notified in person and in writing of the allegations prior to an interview. The written notice shall be provided in a timely manner but shall not impede an investigation.

All employees who are subjects of a complaint which may result in disciplinary action will be advised of their administrative rights. Prior to an interview, employees shall read and sign the Employees Rights and Responsibilities Pertaining to Administrative Investigations form (CRPD # 738). [26.3.5]

- Employee's responsibilities:
 - The employee may be ordered to appear before the Investigator(s) at a reasonable time and place for questioning.
 - The employee may be ordered to provide a written account of their actions regarding the investigation and fully cooperate with the Investigators.
 - Refusal to answer questions may subject the employee to administrative discipline, up to and including termination.
 - The employee must be forthcoming, truthful, and complete in their responses.
- Investigator's responsibilities
 - An interview of the employee who is subject of a complaint which may result in disciplinary action shall be audio recorded.
 - Should an employee be questioned regarding a criminal investigation, normal criminal investigative questioning procedures shall be in effect such as Miranda warning if the employee is the focus of a criminal investigation. When and if Miranda is given to a department employee shall be up to the discretion of the criminal Investigators.
 - An employee shall be immediately notified in writing of the results of the investigation when the investigation is completed.

ADMINISTRATIVE LEAVE OF ABSENCE: [22.1.2a; 26.3.7]

Any command or supervisor has the authority to impose a fully paid administrative leave of absence upon a subordinate when it appears that an employee is physically or emotionally unable to discharge their duties or when the employee has committed a violation necessitating immediate suspension pending the outcome of an investigation, if applicable. An emergency administrative leave of absence shall last until the next regular work day of the Chief of Police. The involved commander may require the subordinate to relinquish their badge, firearm(s), and other official police credentials. The commander will contact the



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respective Division Captain and/or their designee reference the administrative leave of absence as soon as possible.

The commander or supervisor imposing such a suspension shall submit a written report to the Chief of Police via the chain of command as to the incident and action taken prior to the Division Captain reporting for work.

A member receiving an administrative leave of absence shall be required to report to the Chief's Office on the next business day at 0900 hours unless otherwise directed by a commander.

INTERNAL AFFAIRS FUNCTION:

The Chief of Police shall designate a person to act on his or her behalf who is responsible for the administration of the department's internal affair functions. Due to the sensitivity and impact of internal affairs matters, it is imperative that the Chief of Police receive all pertinent information directly. During internal affairs investigations, the Chief's Professional Standards Investigator has the authority to report directly to the Chief of Police. [26.2.3]

A position backup has been established in case the Professional Standards Investigator is not capable to conduct an investigation. During line investigations, the appropriate Division Captain has the authority to report directly to the Chief of Police. The Chief of Police may establish a special internal affairs unit as a part of Professional Standards to perform internal duties. These functions include:

- Supervising and controlling the investigation of all complaints against department employees. Receiving, documenting, and maintaining files on all information pertaining to all complaints against employees (these files will be maintained in a secure area).
- When mandated, maintaining the confidentiality of all internal affairs investigations and records.

ASSIGNING THE COMPLAINT FOR FOLLOW-UP/INVESTIGATION:

Once referred back to the appropriate division by the Chief of Police, line investigations will generally be assigned by the Division Captain back to the supervisor of the employee(s) of whom the complaint is directed for follow-up action and reporting.

- Internal investigations will be assigned to Professional Standards for follow-up assignment and reporting.
- The investigator(s) assigned to investigate a complaint against a department member will:



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- Contact all complainants and witnesses as soon as possible, attempting to ensure that complainants and witnesses are not unduly inconvenienced.
 - If attempts to contact a complainant and/or witness is unsuccessful, all attempts to contact the person, and the means of communication used (telephone, correspondence, personal visit) shall be documented in the final report of the investigation.
 - The assigned Investigator should conduct as complete an investigation as possible using all proper investigative procedures appropriate for their investigation.
 - When interviewing the accused employee regarding an allegation of misconduct, the assigned interviewer must remain aware of the accused employee's rights, as defined by administrative rule and by law (See the Iowa Peace Officer, Public Safety, and Emergency Personnel Bill of Rights – 80F.1).
- Whenever an employee is subjected to an interview within the scope of this section, the interview shall be conducted with the following considerations:
 - The interview shall take place at the police facility.
 - All interviews shall be conducted at a reasonable time of day. Whenever the nature of the alleged incident and the work schedule allows, the interview shall be conducted when the affected member is normally scheduled to work. If an interview is conducted while an employee is off duty, the employee shall be compensated as provided by law, or as provided in the applicable collective bargaining agreement.
 - The employee under investigation shall be informed of the name of the employee in charge of the investigation, the interviewer, and all witnesses to be present during any interviews except at a public administrative proceeding.
 - Interview sessions shall be of reasonable duration and shall allow the employee interviewed reasonable periods of rest and for personal necessities.
 - The employee being interviewed shall not be subjected to professional or personal abuse, including offensive language.
 - An employee shall have the right to have legal counsel present, at the employee expense, during the interview of the employee.
 - The employee shall have the right, at the employee expense, to have a union representative present, or if not a member of a union, the employee shall have the right to have a representative-present. *NLRB v. J. Weingarten Inc.*
 - An employee under investigation will be informed of the nature of the investigation before any interrogation begins, and he or she will be informed of the names of all complainants.
 - An employee who is the subject of a complaint, shall at a minimum, be provided a written summary of the complaint prior to an interview.



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- An employee may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.
- If the complaint alleges domestic abuse, sexual abuse, workplace harassment, or sexual harassment, the employee shall not receive more than a written summary of the complaint pursuant to the Code of Iowa.
- All interviews will be, at minimum, audio recorded. All parties will be advised.
- During the investigation, a polygraph examination will not be administered, cause to be administered, threaten to be administered, or attempt to be administered to any employee. [26.3.6f]
- The Chief of Police may require an employee to submit to any of the following tests or disclosures when the test or disclosure is needed to prove or disprove the complaint related to a formal internal investigation regarding the employee. Failure to follow a direct order of this nature may result in a separate disciplinary action against the employee. Should one (1) or more of these tests be ordered, the scope and purpose will narrowly relate to the internal investigation being conducted.
 - Medical or laboratory examination including chemical tests. [26.3.6a]
 - Photographs of the employee. [26.3.6b]
 - Audio or video recordings. [26.3.6c]
 - Participation in a line-up. [26.3.6d]
 - Financial disclosure statements by the employee. [26.3.6e]
- The rights of employees in disciplinary procedures set forth by this section shall not diminish the employee's rights guaranteed to all citizens by the Constitution and laws of the United States and of the State of Iowa.
- During the investigation into the alleged misconduct, the investigator will ensure that their conduct and that of anyone under his command will be of the highest standards. At no time will the rights, either civil or administrative, of the accused or any citizen be violated.
- No employee shall be made to suffer a discharge, demotion, transfer, or reassignment, nor be threatened with the same, solely for exercising the rights granted in this section.
- Should the investigator uncover information of possible criminal activity, they shall immediately advise the Chief of Police. If a department employee is alleged to have been involved in any criminal activity, the Chief of Police or designee may contact the appropriate prosecuting attorney's office. This contact may be for notification and/or legal advice, or assistance in case preparation.
 - The Chief of Police may also contact the appropriate criminal justice agency for assistance in investigating a criminal allegation against an employee of the department.



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- Should allegations or information include both criminal and administrative violations, the Chief of Police may order separate investigations by different investigators or agencies.

SEARCHES

An employee's personal property will not be subject to search or seizure without probable cause, a search warrant and under conditions permitted by law. Department property, such as vehicles, work areas, stations or lockers, voicemail, computers, cell phones, pagers and/or any digital device(s) as well as server logs of computer and Internet usage, may be searched administratively without consent, even if assigned to or used exclusively by a single member.

Searches will be conducted professionally and, whenever practical, in the employee's presence. A second commander should also be present during any search.

TIME LIMITS: [26.3.3, 26.3.4b]

It shall be the responsibility of the Division Captain for line investigations and Professional Standards for internal investigations, to track the status of each investigation and ensure that it is proceeding as quickly as possible to avoid undue delay. Every effort shall be made to complete investigations within 60 days of receipt. If this is not possible, the following will be notified of the extension:

- Chief of Police
- Employee(s) involved; and
- Complainant

REPORTING THE INVESTIGATIVE FINDINGS AND A DISPOSITION (FORM, FORMAT AND FILING):

Upon completion of a line or internal investigation, the investigating commander will forward a comprehensive written summary of the investigative findings to the respective Division Captain. The memo shall include a summary of the incident describing the allegation of misconduct, the associated policy and legal issues, a summary describing the facts of the case revealed by the investigation, and the final determination of the investigation with one (1) of six (6) possible findings:

- Exonerated - The employee acted properly;
- Unfounded - The incident in question did not occur as stated by the complainant;
- Unsubstantiated - There is insufficient evidence to prove or disprove the complaint; and
- Sustained - The act did occur as alleged by the complainant,
- Commended - The employee acted properly and should be commended in the handling of the situation
- Policy failure - The employee acted within established policy, but policy needs to be changed.



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The Division Captain will then forward the Investigative Summary and a separate memo with a recommendation on any applicable disciplinary and corrective action to the Chief of Police. In cases where the Division Captain believes that additional training would deter future infractions, the Division Captain may recommend to the Chief of Police that the subordinate receive remedial training. [26.1.5]

In cases where the Division Captain believes that counseling would deter future infractions, the Division Captain may recommend to the Chief of Police that the subordinate receives appropriate counseling.

The investigative file will also include the statements of all persons interviewed pursuant to this investigation as well as other relevant documents.

DISPOSITION PANELS:

In some situations, a Disposition Panel may be ordered at the discretion of the Chief of Police. It will be comprised of departmental command level officers, with the rank of Sergeant or higher, and selected by the Chief of Police. In a complaint that involves a non-sworn member, non-sworn supervisors (not in the accused person's immediate chain of command) may serve as members of the panel.

The panel will consist of three (3) members, determined by the Chief of Police. No member of the accused employee's chain of command shall be on the panel. One (1) person will be selected as chairperson by the panel.

- The panel will be open only to the chosen panel members.
- The panel will review the investigative file to determine sufficiency of evidence supporting the allegation against the employee.
 - If the panel feels further investigation is required, the file will be returned to Professional Standards with documented reasons.

INVESTIGATIVE REVIEW:

Review of Professional Standards case files received by the disposition panel will include, but not limited to the following:

- Examine reports, documents, photographs, and evidence;
- Review formal statements and other information of record; and
- Review investigator's summary sheet and final finding of fact.

Panel members will discuss cases as necessary to render a recommended disposition. Professional Standards personnel, who conducted the investigation, will be made available at any step in the process to discuss the investigation with panel members.



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The disposition panel will make a disposition, based on a majority vote of the panel, by classification of each allegation in accordance with the findings below:

- Exonerated - The employee acted properly;
- Unfounded - The incident in question did not occur as stated by the complainant;
- Unsubstantiated - There is insufficient evidence to prove or disprove the complaint; and
- Sustained - The act did occur as alleged by the complainant,
- Commended – The employee acted properly and should be commended in the handling of the situation
- Policy failure - The employee acted within established policy, but policy needs to be changed.

The panel chairperson will ensure that the findings of the panel are documented in writing. Each allegation enumerated in the Professional Standards Investigation Summary will be listed, and the corresponding incident violation cited. For each allegation/violation, there will be a disposition based on the findings of the investigation. If multiple employees are included in the allegation or investigation, the disposition shall specify who it applies to for each employee. If the panel identifies incident violations other than the initial allegation(s), each other violation must have an incident violation cited, and list a classification.

The panel will also present documentation concerning the need to change departmental policies, rules, or procedures when appropriate.

The chairperson of the Disposition Panel, at the direction of the Chief of Police, will forward a copy of the Disposition Panel summary to the affected Division Captain for a recommendation on any applicable disciplinary, corrective, or training action. In cases where the Chief of Police believes that counseling would deter future infractions, the Chief of Police will ensure that the subordinate receives appropriate counseling.

RELAYING THE FINDINGS TO INTERESTED PARTIES (EMPLOYEE, SUPERVISORS): [26.3.8]

No line or internal investigation shall be considered complete until it has been approved by the Chief of Police. Upon completion of any line or internal investigation the affected employee(s) will be notified in writing as to the disposition of the investigation and if applicable, the correspondence may be combined with any disciplinary action to be taken.

An employee on any type of suspension will not engage in any off-duty official police function. Employees are also restricted from working overtime assignments during the corresponding pay period.



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RELAYING THE FINDINGS TO COMPLAINANTS: [26.3.4c]

Upon completion of any internal investigation and the ultimate decision upon the conclusion of fact, the Chief's Office will author a letter to the complainant summarizing the investigative findings and the final determination. No mention will be made of any disciplinary action.

Upon completion of any line investigation and the ultimate decision upon the conclusion of fact, the investigating employee will author a letter to the complainant or make a documented phone call to the complainant summarizing the investigative findings and the final determination. No letter will be sent without the approval of the Division Commander. No mention will be made of any disciplinary action.

ADMINISTRATION OF DISCIPLINE:

Before any disciplinary action is administered, the recommendation must be reviewed and approved by the Chief of Police (See *Disciplinary System* directive for further details).

Administrative Hearing: The Chief of Police will hold a pre-disciplinary conference with the person(s) who is the subject of an investigation where there is potential for termination, demotion, suspension or any loss of property right. (*Cleveland Board of Education v. Loudermill*)

- Notification must be made to the affected employee giving at least 24 hours' notice prior to the Administrative Hearing.
- The assigned investigator must outline in the notice all specific policies alleged to have been violated in support of the disciplinary action.

INVESTIGATIVE FILE INTEGRITY:

Copies of all related paperwork and correspondence relating to an investigation shall be placed and kept in the investigative file. Upon completion of the investigation, whether an internal or a line investigation, the file shall be turned over to and maintained by the Professional Standards commander.

The investigative case file or any portion of the file will not be viewed, copied, or distributed without the prior knowledge of the Chief of Police and the City Attorney if applicable. If a subpoena is received by the Chief's Office to view or copy the investigative file, the Chief of Police and City Attorney will be notified prior to making the file available.

If a formal administrative investigation results in the removal, discharge, or suspension, or other disciplinary action against an employee, copies of any witness statements and the complete investigative agency's report shall be timely provided to the employee upon the request of the employee or the employee's legal counsel upon request at the completion of the investigation.



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Cedar Rapids, Iowa

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POLICY TITLE: *Complaint Procedure*

STANDARD/REF #:

22.1.2a; 22.4.1; 22.4.2;
22.4.3; 26.1.5; 26.1.6; 26.2.1;
26.2.2; 26.2.3; 26.3.1; 26.3.2;
26.3.3; 26.3.4; 26.3.5; 26.3.6;
26.3.7; 26.3.8; 42.1.6;
82.2.2b

APPROVED BY: *David Dostal, Chief*

REVIEWED DATE: 1/6/2025

REQUIRED REVIEWERS: *Professional Standards*

REVISED DATE: 1/6/2025

CONFIDENTIALITY:

- Employees will not discuss or attempt to solicit any details concerning a matter they know to be under a line or internal investigation.
- Internal investigations will be held in strict confidence. Information will be disseminated and used on a need-to-know basis or in cases where dissemination would be in the best interest of the Police Department. This includes discussing the investigation with an employee's immediate supervisor or command personnel if the investigator deems it necessary and appropriate.
- The Chief of Police or their designee shall have the authority to discuss a completed internal investigation, with other command level employees if it is in the best interest of the Department. However, caution will be exercised as to what information is disseminated as to insure an employee's privacy.
- Whenever an investigation is forwarded through the chain of command for review, each reviewing member is responsible for maintaining the confidentiality and security of that investigation, to include maintaining any documentation and physical evidence in a secure location.

APPEAL PROCESS: [26.1.6]

Upon notification of the recommended disciplinary action (except oral reprimand) the accused may:

- Accept the disciplinary action as recommended; or
- Appeal the action as detailed in the City of Cedar Rapids Employee Guide to Personnel Policies and Procedures; or
- Appeal the action through the grievance procedure as allowed in the bargaining unit labor contract.

If the accused should choose to appeal the suspension, demotion, or discharge to the Civil Service Commission, notification shall be filed with Clerk of the Commission within 14 calendar days after the first day that the adverse action took effect as specified in Chapter 400.20, Code of Iowa.

The appeals process set forth in Chapter 400 of the Code of Iowa (400.18-400.27) shall be the basis from which all procedures will originate.

GRIEVANCE PROCEDURE:

Grievances by bargaining unit employees will be handled in accordance with the Cedar Rapids Police Bargaining Union Contract. When a grievance is filed the following information, at minimum, must be included: [22.4.1d]



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82.2.2b

APPROVED BY: *David Dostal, Chief*

REVIEWED DATE: 1/6/2025

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- Date of incident
- Time of incident
- Affected section(s) of the Union contract

Grievances by non-bargaining unit employees will be handled in accordance with the City Personnel Policy.

The Chief of Police is responsible for the coordination of formal grievances through departmental procedures. Formal grievance records shall be maintained by the Chief of Police. [22.4.2]

The Chief of Police or designee will conduct an annual analysis of filed grievances to check for trends, which may indicate agency issues. If trends are detected, steps may be taken within the confines of the labor contract and/or employee guide to minimize the causes of such grievances in the future. [22.4.3]

DISCHARGED EMPLOYEES:

If an employee is discharged from employment, except for probationary employees, the Chief of Police and/or Human Resources during the exit interview will provide the dismissed employee with the following information:

- The reason for the discharge;
- The effective date of the discharge; and
- The status of fringe and retirement benefits after the discharge.

All entrance level Civil Service appointments shall be made subject to a probationary period of 12 months, unless a shorter period is specifically provided by state law. During said probationary period, employees may be discharged if, in the judgment of the Chief of Police, they should be found not to be qualified to fill the position. Probationary employees do not hold full Civil Service rights, and therefore, cannot appeal to the Commission. Any probationary employee released from employment shall be notified in writing of the reason(s).

The appointing officer or body may extend the probationary period of any officer due to extended absences, including but not limited to sick, injury or military leave, when the absence is such that the appointing authority does not have an adequate opportunity to evaluate the officer's performance. In the event that the appointing authority chooses to extend the probationary period, the probationary period shall be extended for a period of time equal to the time in which the officer was absent.



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REVIEWED DATE: 1/6/2025

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RECORDS OF DISCIPLINARY ACTION:

All investigative records that result in disciplinary action shall be filed and maintained in the Professional Standards files by the Chief of Police or designee. The only exceptions are:

- Investigative records, which support a criminal charge against an employee, must be processed and retained using normal records procedures.
- Written summary documenting the following will be placed in the employee's personnel file whenever disciplinary action is taken which results in a written reprimand, suspension, demotion, or termination:
 - Employee notification of investigation and/or complaint,
 - Finding of fact, and
 - Final disposition.

Disciplinary actions are permanent records and will not be expunged from an Internal Affairs file or employee's disciplinary file.

Coaching will be removed from the effected employee's discipline file if it is requested by the employee and it has been more than six months since the date of the infraction.

Personnel and background investigators representing law enforcement agencies who are conducting pre-employment investigations of members' or former members' qualifications for employment are required to present a release and waiver form signed by the member / former member affected. Release of personnel records are subject to the rules of Iowa Code Chapter 22.7 (11) and 91B.2.

Statistical records shall be maintained by Professional Standards relating to the complaint/disciplinary process.

EXCULPATORY EVIDENCE/BRADY MATERIAL: [42.1.6]

To disclose to the extent the department is aware of exculpatory information, to include sustained disciplinary history, which may be "Brady" material, the Chief of Police or designee shall ensure that such information is brought to the attention of the prosecuting authority before the officer provides testimony in any criminal case.

Each employee who is notified to appear as a witness in a criminal case has an individual obligation under this policy to notify the prosecutor on the specific case of any sustained disciplinary history that may impact credibility and qualify as "Brady" material.