

**General Order 52**  
**INTERNAL AFFAIRS**

## General Order 52.1

### PROFESSIONAL CONDUCT REVIEW SYSTEM

Last Revised: 03-01-2017

SUBJECT: PROFESSIONAL CONDUCT REVIEW SYSTEM

This Order consists of the following numbered sections:

- 52.1.1 Accountability Policy
- 52.1.2 Definitions
- 52.1.3 System Administration
- 52.1.4 Tracking and Reporting Performance
- 52.1.5 Early Warning System
- 52.1.6 Citizen Consideration
- 52.1.7 Intake and Investigation Assignment Process
- 52.1.8 Employee notification of allegations, rights and responsibilities
- 52.1.9 Investigative suspension
- 52.1.10 Supervision and Administrative Review of Investigations
- 52.1.11 Investigative Standards
- 52.1.12 Complaint Disposition Process
- 52.1.13 Records Security and Confidentiality
- 52.1.14 Self-regulation
- 52.1.15 Link with training and policy development

#### **52.1.1 Accountability Policy**

The Olympia Police Department assures that all complaints 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.

#### **52.1.2 Definitions**

- I. 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.
- II. Complainant: A person, identified or not, or entity who actually files a complaint with the Department.
- III. Complaint Investigation: A formal inquiry process used to determine the finding of facts of a complaint.
- IV. Administrative Review: An internal review of the findings of a complaint investigation.
- V. External Review: A process utilizing a contract attorney to examine allegations of serious misconduct complaints, review investigation findings, and make recommendations for improving investigative practices, Department policy, and training.
- VI. Professional Conduct System Intake Form: An internal Department form used by OPD supervisors to document complaints.
- VII. City of Olympia Citizen Comment form: An external form used by the public to provide information to any city department about service delivered.
- VIII. Principals

The following people are principals in a complaint:

- A. The person(s) that filed the complaint with the Department.
- B. The person(s) who received or was directly affected by the performance or actions of the Department employee(s).
- C. The parents of a minor child involved in a complaint.
- D. The employee(s) alleged to have committed a policy violation or criminal violation.

### **52.1.3 System Administration**

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.

### **52.1.4 Tracking and Reporting Performance**

I. The Professional Standards Lieutenant is responsible for tracking of performance-related activities involving the Olympia Police Department. Activities involving: citizen complaints, internal discipline, uses of force, collisions, pursuits, lost/damaged property incidents, weapon discharges, annual awards, letters of appreciations, and commendations are entered into a professional conduct database.

II. The Professional Standards Lieutenant compiles a quarterly statistical summary report from the appropriate records in the professional conduct database and submits that report in a timely manner to the Chief of Police for review.

III. Quarterly reports shall include a summary of each complaint investigation received during the quarter. Quarterly reports are distributed to all supervisors within the Department.

IV. At the conclusion of each calendar year the Professional Standards Lieutenant submits an annual report to the Chief of Police that shows cumulative data for the year.

### **52.1.5 Early Warning System**

I. The Professional Standards Lieutenant is responsible for continuous monitoring of the professional conduct review system in an early warning capacity. Data will be analyzed for signs of potential problems in the areas of Citizen Complaints, Use of Force, Collisions, Damaged or Lost Property, and Internal Discipline. Potential problem areas will be brought to the attention of Department managers and supervisors for their review and possible action. Quarterly reports will highlight areas of potential problems when they are discovered.

II. Information from the Department's professional conduct database is available to Department supervisors.

III. The Training Supervisor and Department instructors have access to data from the professional conduct database to prepare training curriculum.

### **52.1.6 Citizen Considerations**

The Department will be considerate of citizens who become a part of the complaint process. Members of the department who take in information about citizen complaints or are assigned to investigate them will adhere to the following guidelines:

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 or comments.

III. 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 their complaint.

V. The investigator assigned to investigate a complaint will provide the complainant with the following information:

- A. The status of their complaint;
- B. The timeline for the investigation;
- C. The investigative process;
- D. What dispositions may result from the investigation;
- E. Upon the conclusion of the investigation they should expect a final letter explaining the outcome of the investigation.

#### **52.1.7 Intake and Investigation Assignment Process**

I. The Department classifies citizen complaints as either a Service Level Complaint or an Allegation of Serious Misconduct. All complaints are officially documented in a professional conduct database.

II. Complaints may be received via the city's Comment Form, anonymous sources, correspondence with City officials or elected officials, or through social media.

III. 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 for guidance and assistance in making a service comment or initiating a complaint.

IV. Complaints are entered into the database by the appropriate supervisor.

V. All complaints are reviewed and evaluated by the Professional Standards Office Lieutenant.

During the evaluation process of any complaint the Professional Standards Lieutenant with approval of the Chief of Police may close the investigation if the complaint is declared to be totally without merit. One of the following conditions must 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.
- E. Performance complaints are generally assigned through the chain of command to first line supervisors.

VI. Allegations of serious misconduct are reviewed and evaluated by the Professional Standards Lieutenant and the Chief of Police before they are assigned for investigation. Allegations of serious misconduct are generally assigned to the Professional Standards Lieutenant for investigation.

VII. Complaints involving allegations of criminal conduct are generally assigned to an outside law enforcement agency. The Chief of Police may request assistance with criminal investigations from outside agencies, as he/she deems necessary and appropriate. The Chief of Police, or a designee, monitors criminal investigations stemming from allegations of misconduct. The outcomes of criminal investigations are prescribed by law, are not subject to department policies or procedures and are generally reviewed by an independent prosecuting attorney.

VIII. The initial review, evaluation and assignment is completed within five (5) business days of the date a complaint is received by the Professional Standards Lieutenant.

**52.1.8 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 becomes the subject of a complaint investigation shall be provided a copy of the complaint or a written summary of the complaint.
- 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 agreements.
- IV. Employees involved in investigations of employee misconduct have a responsibility to respond truthfully to questions asked by a supervisor.
- V. Employees are afforded due consideration with regard to required meetings and interviews. [see 26.1.10]

**52.1.9 Investigative suspension**

- I. A paid investigatory suspension may be used when it is considered prudent to remove the employee from work while an investigation is being conducted to determine if disciplinary action is justified. A Department supervisor or manager may temporarily place an employee on investigative suspension, when in the opinion of the supervisor or manager, the employee is unfit for duty or when it is prudent to do so pending the results of an investigation. A report detailing the circumstances leading to the decision to place an employee on investigative suspension will be forward through the chain of command to the Chief of Police.
- II. The department director shall authorize, terminate or extend the paid investigatory suspension. The supervisor or manager will notify the employee in writing that the employee is being placed on investigatory suspension. The written notification shall clearly state the reason for the suspension and the nature of the investigation. The documentation concerning the paid investigatory suspension will be place in the employee's personnel file. At the conclusion of the investigation, the employee will either be returned to work or notified of the disciplinary action to be taken. (See City Policy 4.4)

**52.1.10 Supervision and Administrative Review of Investigations**

- I. The Professional Standards Lieutenant assumes functional supervision over all complaint investigations.
- II. 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.
- III. Completed complaint investigations are administratively reviewed and approved as follows:
  - A. Allegations of serious misconduct are generally completed by the Professional Standards Lieutenant and administratively reviewed and approved by the city of Olympia contract attorney, the Division Manager, and the Chief of Police.
  - B. Service Level complaints are generally completed by the first level supervisor and administratively reviewed and approved by the Professional Standards Lieutenant, the Division Manager, and the Chief of Police.

**52.1.11 Investigative Standards**

- I. The scope of work of persons assigned to investigate Service Level complaints and Allegations of Serious Misconduct complaints is limited to determining the findings of fact in a manner that is thorough, fair and impartial, and to reporting those findings accurately.
- II. Thorough, fair and impartial investigations generally require the investigator to contact and interview all parties involved in the complaint.
- III. If, during the course of any investigation, it is disclosed that misconduct beyond what was originally reported may have taken place, the Professional Standards Lieutenant will be notified immediately. The Professional Standards Lieutenant assures that the procedures appropriate to the proper incident classification are followed.

IV. Investigators assigned to complaint investigations are expected to complete their work and submit a final report in a timely manner and according to the following time lines:

- A. Service Level Complaints – Sixty (60) days from the date the case is received by the Department.
- B. Allegations of Serious Misconduct - Ninety (90) days from the date the case is received by the Department.

V. 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.

VI. 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.

VII. If an investigation is extended beyond the standard investigative period, the assigned investigator will contact the complainant(s) and the involved employee(s) at least once a week to provide them with an update and projected completion date of the investigation.

VIII. The final report on all 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. The names and contact information for the complainants or affected individuals in the complaint;
- E. 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.
- F. 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.
- G. Photographs, video tapes, audio tapes and other relevant supporting materials shall also be submitted with the final report.
- H. The date the final report is submitted;
- I. The name and signature of the assigned investigator.

**52.1.12 Disposition of Complaints**

I. Investigative findings are based on the preponderance of evidence for each allegation. The final disposition for each allegation will be determined 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 or was patently false.
- 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. After a complaint investigation is completed and administratively approved the Professional Standards Lieutenant ensures the following:

- A. Within 5 business days notifies the complainant in writing of the final disposition.
- B. Within 5 business days notifies the involved employee in writing of the final disposition.
- C. In the event of a sustained finding the employee’s supervisor will be forwarded the completed investigation. The supervisor will then evaluate the need for corrective action based on the circumstances of the investigation and the employee’s performance record. If disciplinary action is taken against an employee the employee’s supervisor will forward through their division manager documentation of the disciplinary action back to the Professional Standards Lieutenant for tracking purposes.
- D. The professional conduct database is updated with the findings of the investigation to include any disciplinary action taken.

**52.1.13 Records Security and Confidentiality**

I. Use and access to the professional conduct database is restricted to the following:

- A. Supervisors and managers have read-only access to all data within the system, with exceptions noted below:
  - 1. Supervisors and managers may enter initial complaint/report data into the system.
  - 2. Managers may also approve/deny data as part of the internal review system (see 52.10.B)
- B. Only the Supervisor IV may alter or delete a record that has been entered into the system.
- C. All changes to records are tracked by date, time, and staff number.
- D. Supervisors and managers will only use the data within the system for appropriate supervision and personnel management purposes.
- E. The Supervisor IV is responsible for the configuration and updating of the system software.

II. Professional Standards Office records are retained according to state retention schedule. Complaint investigations are confidential, with information being shared only as provided in this General Order and as required by law. Public records requests are processed according to state law.

**52.1.14 Self-regulation**

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.

**52.1.15 Link with training and policy development**

I. In developing the annual training plan, the Professional Standards Lieutenant and Training Supervisor analyzes data from the professional conduct database to determine if there is a need for specific training courses to enhance service or reduce complaints. If such courses are advised, they are recommended to the Management Team for inclusion in the training curriculum.

II. The Professional Standards Lieutenant monitors complaints 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 Management Team that policy development may be required.