

<b>DISCIPLINARY PROCEDURES AND INTERNAL AFFAIRS</b>	<b>Chapter No. 26</b>
<b>Effective Date:</b> <b>04/01/2018</b>  <b>Revised:</b> <b>02/21/2024</b>	<b>Reference:</b> <b>Civil Service Rules &amp; Regulations</b> <b>Domestic Violence Procedure Manual</b> <b>AO 800 – Microcomputer &amp; Software Policies</b> <b>AO 260 – Harassment &amp; Discriminatory Behavior</b>

### **26.1.1 CODE OF CONDUCT**

#### **General Conduct**

##### **Unbecoming Conduct**

Employees of the Pasco Police Department shall always conduct themselves, both on and off duty, in a manner that does not reflect negatively on the department. Employee conduct, which brings discredit to the department, may be subject to disciplinary action. Examples include but are not limited to:

- Impede the ability of the department to effectively fulfill its responsibility.
- Cause a lessening of public confidence in the ability of the department to perform its function.
- Cause an adverse effect on the discipline or efficiency of the department.
- Impair their own ability to do their job.
- Constitute a conflict of interest as prohibited by law or by department regulations or policy.
- Compromise any investigation of a criminal or civil nature and/or any internal investigation or personnel issue that is confidential in nature.

Employees shall not engage in activities that involve accessing information in any file system or computer system used by supervisory or command staff involving confidential matters relating to personnel issues, internal investigations, or any other matter deemed to be of sensitive or confidential nature.

##### **Immoral Conduct**

Members shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.

##### **Truthfulness**

Police department employees are expected to be truthful at all times on matters of the department. Upon the order of the Chief of Police, the Chief's designee, or a supervisor, members of the police department shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties or fitness for office, which may be asked of them.

##### **Possession or Use of Drugs**

Employees of the police department shall not unlawfully possess or use any illegal drugs. On-duty employees using any prescription drugs, which could affect or impair their ability to function, will notify their supervisor.

### **Gifts and Gratuities**

Members of the police department shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan promise, service, or entertainment), which may, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties. If circumstances arise where a gift or other item of value comes into the possession of an employee, the item will be forwarded to the Chief of Police. A memorandum explaining the circumstances of receipt will accompany the item. Permissible actions include the following:

Employees may accept a meal at the home of a friend or relative.

An employee is a guest speaker or is being honored by some organization and receives a meal and an award.

- A service organization or retail merchant wishes to donate a gift to a department-sponsored event wherein the gifts are given to children or other needy persons.
- Employees are permitted to accept a nonalcoholic beverage from an associate, friend, or acquaintance other than at a business establishment (restaurant, convenience store, bar), where there is normally a charge for the beverage.
- Employees may accept unsolicited advertising or giveaway material such as pens, pads, calendars, diaries, coffee cups, or similar items of little or nominal value.
- Off-duty officers of the Pasco Police Officers' Association (PPOA) may solicit donations or sponsorships to the PPOA in accordance with the laws regulating non-profit organizations.

### **Neglect of Duty**

Members of the police department shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of the City of Pasco, these rules of conduct, or any other orders, policies, procedures, or directives of the police department. Members shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

### **Public Statements and Appearances**

Members of the Pasco Police Department shall not publicly criticize or ridicule the department, its policies, or other members where such speech, writing, or other expression is defamatory, obscene, or is made with reckless disregard for truth or falsity and undermines the effectiveness of the department or interferes with the maintenance of discipline.

Members of the Police Department shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information or any other matters of the department while presenting themselves as representing the department in such matters without proper authority. Members may lecture on police or other related subjects, only with prior approval of the Chief.

### **Gossip or Derogatory Remarks**

No member or employee of the department shall directly or indirectly speak critically or derogatory to or about other members and employees of the department or to any person outside of the department regarding any official action, orders, or instructions issued by a ranking or supervisor. Neither shall the action or orders of any city official, judge, magistrate, or other official agency be publicly criticized.

### **Associations**

Members of the police department shall avoid regular or continuous associations or dealings with

persons and or organizations whom they know or should reasonably know are persons under criminal investigation or indictment or who have a reputation in the community or the department for present involvement in felonious or criminal behavior except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the members.

### **Insubordination**

Employees are required to promptly obey lawful orders of a supervisor. This includes those orders relayed from a supervisor through an employee of the same or lesser rank. Employees will show respect for someone in a higher position and will refrain from displaying contemptuous behavior or attitude.

### **Training Responsibility**

Members of the department shall make themselves available for all required department training, both internal and external, including required attendance, attention, and conduct. Members failing to successfully complete training requirements based on their failure to comply with this rule may face disciplinary action. Members with legitimate reasons for non-attendance or partial absence shall immediately notify their supervisor.

### **Release of Phone Numbers**

Employees of the police department will only release employee phone numbers to other members of the department. If a source outside the department requests an employee phone number, the identity of the caller will be relayed to the employee being sought.

### **Confidentiality**

No member of the police department shall disseminate confidential police-related information to any unauthorized person for any purpose.

### **Visiting Prohibited Establishments**

Members of the police department shall not knowingly visit or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state, or local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a supervisor.

### **Gambling**

Members of the police department shall not engage or participate in any form of illegal gambling at any time except in the performance of duty and while acting under proper and specific orders from a supervisor.

### **Department Credentials**

Official credentials (official identification card and badge) will be displayed only in connection with police business or when requested to establish identity. No employee will permit any other person to use his or her credentials. Loss of credentials will immediately be reported to the Chief of Police via the chain of command.

Officers shall immediately report to the Chief of Police any pending criminal charges, any convictions, any plea, or other case disposition.

## **On-Duty Conduct**

### **Reporting for Duty**

Employees will report for duty at the time and place indicated by the department schedule. When employees report for duty, they shall be appropriately attired, properly equipped, and ready to assume job responsibilities.

Any employee who fails to appear for duty at the date, time, and place as scheduled will be deemed to be absent without authorization.

Where inappropriate attire and/or personal appearance outside of department standards are noted, first-line supervisors may direct the employee to change into appropriate attire and/or bring their personal appearance up to standards. The time required for such corrections will be without pay.

### **Duty Responsibilities**

Employees will protect and preserve life and property, maintain community order, and enhance the peace and safety of the community.

All employees will perform their duties as required by law, department policy, or by order of a supervisor. On-duty employees will respond to the concerns of citizens as promptly as possible based on the prioritization of services and available staffing.

A high level of performance is expected from each employee. Minimum acceptable performance is defined as that standard of performance that is at reasonable and acceptable levels, as judged from other employees performing like or similar duties. Performance is evaluated using the performance evaluation system outlined in Chapter 35.

### **Use of Alcohol**

No off-duty employee shall consume alcoholic beverages to an extent rendering them unfit to report for their assigned duty shift. No employee will report for a regular duty shift, or off-duty job, with alcohol on his or her breath.

Employees of the police department shall not appear for duty or be on duty while under the influence of alcohol. Employees who have consumed alcohol, and are called to duty, must notify their supervisor of the alcohol consumption. The supervisor will evaluate the situation and decide whether the employee should respond to duty.

No employee in recognizable uniform dress shall purchase or drink alcoholic beverages in public view.

### **Court Appearances**

Employees of the department are expected to conduct themselves in an exemplary manner when in court. Department employees are expected to abide by any of the requests, instructions, or rules set by the judge, court administrator, or bailiff.

Attendance: Employees shall attend court on the date and at the time set for any pending case in which they have been subpoenaed. If an employee finds that he/she cannot make a scheduled court appearance due to illness or an unforeseen emergency, it shall be the employee's responsibility to notify the City Attorney/Prosecutor so that the pending court case may be rescheduled.

**Punctuality:** Employees subpoenaed for court shall be punctual in attendance.

**Attire:** Employees shall dress in full uniform or, if civilian clothing, shall wear business professional attire. Exceptions may be made by their supervisor for employees who are on special assignment.

### **Processing Property and Evidence**

Property or evidence that has been discovered, gathered, or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures. Members of the police department shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.

### **Treatment of Persons in Custody**

Officers will not mistreat persons in their custody.

### **Assistance**

Employees will provide necessary assistance to co-workers. Employees will take appropriate actions toward aiding a fellow employee exposed to danger or in handling situations in which danger is likely.

### **Intervention**

Officers shall not interfere with cases being handled by other officers of the department or by any other governmental agency unless:

- Ordered to intervene by a supervisor, or
- The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Officers shall not undertake any investigation or other official action, not part of their regular duties without obtaining permission from their supervisor, unless the urgency of the situation requires immediate police action.

### **Conduct Toward Fellow Employees**

Employees, while on duty, will treat all personnel with respect and courtesy. On-duty employees will refer to supervisory personnel by rank when in the presence of the public.

### **Departmental Reports**

Members of the police department shall submit all necessary reports on time and in accordance with established department procedures. Reports submitted by members shall be truthful and complete. No member shall knowingly enter or cause to be entered inaccurate, false, or improper information. No member shall alter, remove, or destroy any report for the purpose of obstructing justice, misleading supervisor, or altering the natural order of information.

### **Fictitious Illness or Injury Reports**

Members of the police department shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

### **Sleeping on Duty**

Members of the police department shall remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.

**Leaving Duty Post**

Members of the police department shall not leave their assigned duty post during a tour of duty except when authorized by their supervisor.

**Use of Tobacco**

Officers, when in uniform, may use tobacco as long as they are not in a formation; they do not have to leave their assignment or post for the sole purpose of doing so and are not engaged in traffic direction or control. Officers are prohibited from using tobacco when they are in direct contact with the public. All City offices and vehicles are smoke-free.

**Use of Department Equipment**

Members of the police department shall utilize department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse, willfully damage, or lose department equipment. All department equipment issued to members shall be maintained in proper order.

**Computer Software**

Only City installed or approved software will be used on department-owned computers. Employees shall not install any software without authorization from the Chief of Police and Information Services Manager. Employees will follow [AO 800](#) – Microcomputer and Software Policies.

**Operating Police Vehicles**

Members shall operate official vehicles in a careful and prudent manner and shall obey all traffic laws and all department orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the department immediately.

Members shall not use their personal vehicles for any assignment while on duty.

Members shall not permit persons to ride in department vehicles except in accordance with department procedures.

**Cooperation**

Members shall cooperate with all agencies engaged in the administration of criminal justice and other public agencies and city departments, giving to each other all the aid and information that they are entitled to receive. Members answering a call wherein another city agency or department should be notified shall, through official channels, have the appropriate agency notified of the essential details of the complaint.

**26.1.2 PERFORMANCE REWARD SYSTEMS**

The Pasco Police Department realizes the value of rewarding and recognizing outstanding service and/or actions of its employees and citizens who distinguish themselves while assisting the Pasco Police Department.

Departmentally issued awards are coordinated through the Awards Committee. The Awards Committee chairman will be assigned by the Chief of Police. The Awards Committee will consist of five representatives: one command officer, one supervisor, one commissioned representative from the field operations, and investigative divisions and one non-commissioned employee from the Support

Operations Division. The Chief will designate the members of the Awards Committee on an annual basis.

All requests for awards shall be submitted through the chain of command to the Awards Committee for evaluation. Detailed information will be submitted with the nomination to process award nominations in a timely manner. Upon review of the documentation, the Awards Committee will submit recommendations to the Chief of Police for final approval. Nothing in this policy is intended to restrict a supervisor from authoring a letter of commendation to an employee's file.

Award nominations relating to a specific project, investigation, or exceptional job performance should be submitted with the following information:

- Detail the specific action meriting an award.
- Impact of the action on the department and/or others.
- Whether the actions were required by the individual's position.
- Training the individual received that enabled them to perform the action(s).
- Whether this type of performance is consistent and, if so, how long the individual performed at this level.

**Lifesaving/Life-Threatening Incident:** Award nominations relating to life-saving or life-threatening incidents should be submitted with the following information:

- Detail what direct action was taken to save or protect a life.
- Describe in detail any danger that existed in attempting the lifesaving action.
- Explain any injuries sustained by the person attempting the lifesaving action.
- Date, time, and location of the incident.
- Names of the parties involved and/or witnesses.
- Additional documentation, such as witness statements, letters of recommendation, photographs, news articles, etc., should be attached to the nomination.

Award titles include but are not limited to Medal of Valor, Meritorious Service, Life-Saving Award, Chief's Commendation Award, Exceptional Performance Citation, Commanding Officer's Citation, Unit Citation Award, Officer or Employee of the Month, and Officer or Employee of the Year. These awards will be presented at formal awards ceremonies or appropriate public meetings. The Awards Committee chair shall make arrangements and notifications for awards presentations and ensure appropriate documentation is provided to the Chief's Administrative Assistant for inclusion in the employee's personnel file.

### **Medal of Valor**

The Medal of Valor is the highest award presented by the department and recognizes an outstanding act of valor. It shall be awarded only in those exceptional cases where employees knowingly perform a hazardous action at considerable risk to their lives or great bodily harm.

Four-fifths of the members of the Award Committee must concur that the award should be presented. The Chief of Police must authorize final approval.

The Medal of Valor shall consist of the following:

- A framed paper document describing the act and signed by the Chief of Police.
- A pin appropriately designed to be worn on uniform attire.

- A medal designed to be displayed or worn on the dress uniform.
- A letter documenting the facts surrounding the issuing of the award will be entered into the employee's personnel file.

### **Meritorious Service Award**

The Meritorious Service Award is presented to a department employee who displays exceptional dedication to duty in pursuit of a worthwhile objective, requires courage and is knowingly done with risk of injury or performance of an act where the employees endanger themselves through:

- Attempting a life-saving action;
- Preventing a serious crime; or
- Effecting the arrest of a dangerous felon.

This award differs from the Medal of Valor by the degree to which the employee's life is in danger or by the potential significance of the employee's actions.

The Meritorious Service Award may also be awarded to citizens who jeopardize their safety to assist Pasco Police Department personnel in the performance of a hazardous act.

A majority of the Awards Committee members must concur that the award should be presented and must be approved by the Chief of Police. The award itself shall consist of the following:

- A framed paper document describing the act signed by the Chief of Police.
- A pin appropriately designed to be worn on uniform attire.
- A medal designed to be displayed or worn on the dress uniform.
- A letter documenting the facts surrounding the issuing of the award will be entered into the employee's personnel file.

### **Life-Saving Award**

This award is presented to an employee who saves a life by a direct act under conditions requiring bravery or exposure to danger while performing acts above and beyond the normal call of duty. Recommendations for the Life Saving Award should usually be accompanied by medical or eyewitness testimony. The award requires a majority of the board vote and the approval of the Chief of Police.

The Life Saving Award shall consist of the following:

- A framed paper document describing the act signed by the Chief of Police.
- A pin appropriately designed to be worn on uniform attire.
- A medal designed to be displayed or worn on the dress uniform.
- A letter documenting the facts surrounding the issuing of the award will be entered into the employee's personnel file.

### **Chief's Commendation**

This award is presented to persons who perform at an exemplary level above what is normally required or expected and which the Chief of Police deems worthy, or which may not fall within the requirements of the Medal of Valor, Meritorious Service Award or Life Saving Award. This award does not require review by the awards committee.

The award shall consist of a certificate and a shirt bar.



### **Exceptional Performance Citation**

This award is presented to an employee for a courageous, outstanding, or unusual performance of duty that is significantly beyond what is normally expected and may be based on a single act or exemplary work over an extended time.

This award shall consist of a certificate only.

### **Commanding Officer's Citation**

This award is presented to an employee for performance above average and demonstrates courage, devotion to duty, alertness, or other aptitudes for police work that embodies the desire to perform public service. This award may be made by commanding officers without review by the awards committee or the Chief of Police.

This award consists of a certificate only.

### **Unit Citation Award**

This award may be conferred for outstanding performance by an organizational unit of the department. The accomplishment must be the result of combined efforts by members of a unit, shift, or section.

The Chief of Police may confer the award after he reviews the nomination.

This award consists of a certificate and shirt bar.

### **Officer or Employee of the Quarter**

The officer or employee of the quarter who is nominated shall represent the values and attitude prescribed in our values statement, someone who is hardworking and dedicated to the profession. The officer or employee's conduct should bring respect and honor to the department. The individual's actions need not be above and beyond the call of duty but consistently perform at a high level and are an example to all. Officers and employees selected as Officer or Employee of the Quarter are automatically eligible for consideration for Officer or Employee of the Year.

### **Officer or Employee of the Year**

The officer or employee nominated for officer or employee of the year should have conducted himself/herself in a manner above and beyond the call of duty. This individual is not only a high producer but exemplifies the term "professional." This individual will represent our best qualities and act as someone we hold out to the public as the "best of the best."

### **Retirement Recognition**

Employees invest a significant amount of time and effort over the course of a career and should be recognized for their commitment to the department. Retirement recognition criteria and procedure are found in the [Retirement Recognition Procedure](#) and are in accordance with [AO 256](#). Retirement Recognition does not impact any state, bargained, or personal retirement benefit.

### **Assignment Recognition Ribbons:**

Authorization to display recognition ribbons may be assumed to have been granted upon approval of a specific duty assignment by the Chief of Police and ends upon the completion of that assignment.

Officers who have previously served and provided honorable service in the following duty assignments

may display the appropriate assignment ribbons on their dress jacket when wearing the full-dress uniform (CLASS "A"):

- Field Training Officer (FTO)
- District Resource Officer (DRO)
- School Resource Officer (SRO)
- SWAT
- K-9 Handler

### **26.1.3 HARASSMENT**

The Pasco Police Department seeks to maintain a work environment free of harassment and intimidation. Employees will comply with [AO 260](#) – Harassment & Discriminatory Behavior and department policies. The department will not condone the harassment of or discriminatory behavior toward or about individuals and is committed to providing a discrimination-free workplace. Proven harassment will be subject to discipline.

Retaliation against employees who report any form of harassment is strictly forbidden, even if insufficient evidence is found to support the complaint of harassment. The department and all staff will comply with provisions in [RCW 42.40.010](#) and [RCW 49.60.210](#).

Supervisors are responsible for reporting harassing behavior via the chain of command to the Chief of Police. Supervisors who ignore harassment or fail to report these incidents through the chain of command are subject to discipline.

### **26.1.4 RESPONSIVE PROFESSIONAL DEVELOPMENT**

The Pasco Police Department recognizes the importance of being responsive to variances in the skills and abilities of its employees and is dedicated to their success. When identified, the following responsive professional development measures may be assigned:

- Verbal Warning
- Training
- Coaching

#### **Verbal warnings**

Verbal warnings are intended to place a person on notice that their conduct is unacceptable and to give the person the opportunity to modify their behavior. Verbal warnings may be accompanied by guidance but fall short of a coaching plan.

#### **Training**

Training can be used as a corrective method to improve performance. The department may mandate remedial training for employees found to be deficient in necessary job-related skills.

#### **Coaching**

Coaching is a structured, personalized, and adaptive process that supports employees in improving their skills, knowledge, and effectiveness within their work environment.

A pattern of mistakes or inappropriate judgment may be addressed through supervisor coaching which

may include a Performance Improvement Plan (PIP). A PIP is a time-bound, formalized plan, developed by the supervisor in collaboration with their chain of command.

### **26.1.5 DISCIPLINE**

The Pasco Police Department recognizes the importance of discipline as a tool to promote morale and professional improvement. Discipline is the responsibility of each individual within the department. A well-disciplined police force is one that voluntarily and willingly abides by all established rules, policies, and procedures. The Police Department has established a disciplinary system to provide consistency throughout the department.

The Pasco Police Department employs a structured disciplinary system to be followed in case of alleged or suspected violations of the law, departmental rules, policies, or procedures. Discipline will generally be administered in a progressive fashion and can include any combination of the following penalties:

- Written Reprimand
- Suspension
- Demotion
- Termination of Employment

#### **Written Reprimand**

Sustained misconduct that is serious or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes. The written reprimand outlines what policy, procedures, or rule has been broken and the conduct that constituted a violation.

#### **Suspension**

A suspension is a temporary, unpaid absence from work which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record. Directors have the authority to suspend without pay for up to three days. Suspensions for more than three days require concurrence by the City Manager.

#### **Demotion**

If the employee's conduct is very serious or shows a continuous pattern of behavior involving repeated serious misconduct, the employee may be suspended or demoted as outlined in current Pasco Civil Service rules.

#### **Termination**

If the employee's misconduct is so serious that continued employment is not an option or the behavior/action is part of a continuing pattern of behavior that amounts to serious misconduct, employees may be recommended for dismissal, as outlined in current Pasco Civil Service rules and City Policy.

Discipline is determined by taking into consideration the following:

- The seriousness of the incident.
- The circumstances surrounding the incident.
- The employee's past disciplinary record.
- The employee's past work performance.

- The actual overall impact of the incident on the organization.

**Serious Misconduct:** Certain behavior that has been identified to be so serious in nature that, if verified, will result in consequential discipline, up to and including termination. The behaviors are:

- Harassing behavior – as described in 26.1.3 and AO 260
- Abuse of authority – when determined to be willful and/or malicious in nature.
- Insubordination – when determined to be willful and egregious in nature.
- Deception and or lying – when determined to have been done in conflict with the agency's guiding principles of integrity and accountability.
- Behavior that tends to cause a significant lack of trust in our agency.

### **Punitive Actions**

Experience has shown that personnel respond when they know the rules and can guide their conduct accordingly. The prohibited types of conduct listed in policy 26.1.1 – Code of Conduct are examples of behavior that could subject an employee to discipline.

Serious penalties are imposed for successive incidents of prohibited conduct. Suspension without pay may be up to but not exceed 30 working days.

First-line supervisors (or those who are acting in that capacity and are recognized by Civil Service or by the chain of command) are empowered to issue responsive professional development. First-line supervisors may issue written reprimands after receiving approval from their chain of command through the Blue Team process.

### **26.1.6 SUPERVISOR ACCOUNTABILITY**

Supervisors must have a thorough knowledge of current rules, policies, procedures, and performance standards established within the organization so they can enforce and communicate them to their assigned employees. Supervisors may be held responsible for the acts of their employees or for their failure to act when appropriate.

Each supervisor is expected to participate actively in the disciplinary process and has an important role in effecting positive discipline. Supervisors will participate in developing rules, policies, and procedures defining misconduct and unacceptable performance. Supervisors will give timely advisement to employees of any performance or behavioral problems that could result in responsive professional development or disciplinary action. Supervisors will notify their immediate supervisor of any performance or behavior problems of subordinates that could result in such actions. Supervisors will facilitate and/or participate in the training of assigned employees in proper conduct and acceptable performance. They will take appropriate action in a timely manner where there is misconduct and/or unacceptable performance. Supervisors may be required to perform investigations into complaints on their subordinates in accordance with the complaint procedures.

Follow-up on responsive professional development or disciplinary action is the responsibility of the supervisor. Behavior or performance problems that resulted in discipline but that have been improved or corrected should be acknowledged. In addition to timely acknowledgment, improvements and/or corrections should be documented in the employee's next regular evaluation. If improvement or correction in performance or behavior is not made, the supervisor must document and submit the discrepancy through the Blue Team process for additional review and consideration.

### **Authority of a Supervisor in Disciplinary Action**

Written reprimands may be issued once approved by their chain of command. In certain situations, sergeants and other first-line supervisors may temporarily relieve an employee of up to one full shift of duty, with pay if a violation of a department or supervisory order or other act compromising the function and/or integrity of the department occurs (i.e., fatigue, intoxication, or otherwise unfit for duty). The supervisor ordering the relief of duty will immediately notify their chain of command and the Chief of Police of the incident.

### **Extended Relief of Duty**

The Chief or his designee may extend the relief of duty with pay until the next business day unless circumstances warrant further immediate action.

## **26.1.7 APPEALING DISCIPLINARY ACTION**

Represented employees use the process outlined in the grievance procedure contained in the Collective Bargaining Agreement. Non-represented employees may appeal disciplinary action through the chain of command. The final determination rests with the City Manager. Employees are encouraged to resolve disciplinary issues informally before filing a grievance.

## **26.1.8 TERMINATION PROCEDURES**

When an employee is terminated, they will receive notification of the following information:

- A statement citing the reason(s) for termination
- The effective date of termination
- A statement of the status of accrued employee benefits after termination

## **26.1.9 MAINTENANCE OF DISCIPLINARY RECORDS**

Disciplinary findings, including demotions, suspensions, and terminations, are maintained in the employee's permanent personnel file, which includes IA Pro, as required by the Washington State Records Retention Schedule. Employees may view the contents on their personnel file upon request.

## **26.1.10 FLEET VEHICLE ACCIDENT DAMAGE**

The intent of this policy is to administratively review vehicle collisions that involve department vehicles. This policy aims to resolve collisions internally by ensuring consistency in reporting through a review of each incident. This review will determine whether patterns are developing, assess future training needs, and assign responsibility for various phases of the investigative process.

### **Employee's Responsibility**

When a department vehicle is damaged by a collision, the employee responsible for the vehicle shall immediately notify the on-duty supervisor. A department memo or case report regarding the incident will be completed and forwarded to the on-duty supervisor.

### **Supervisor's Responsibility**

Supervisors notified of a fleet collision shall conduct a preliminary investigation. A member of the traffic unit or outside police agency will normally investigate traffic collisions and complete a state collision report. If a member of the traffic unit or an outside agency is not available or the traffic unit is involved, a patrol supervisor will complete the state collision report. An outside agency should be requested to do the investigation if the collision involves serious injury or has liability concerns. If a collision occurs outside the city limits, the supervisor will request the appropriate agency to conduct the investigation. The other agency report will be attached to the Blue Team entry forwarded by the supervisor through the chain of command. In addition to these forms, the City Incident Report should be completed and forwarded to the City of Pasco staff immediately.

The supervisor will assemble and review all documents applicable to the collision and screen for completeness. After the supervisor determines that the Blue Team entry is complete, the supervisor will forward the entry through the chain of command.

In circumstances where an outside agency is not available to conduct the collision investigation, and the investigating Pasco PD officer determines the non-department involved driver may be cited, the investigating officer may cite the driver with approval from a patrol Lieutenant.

### **Command Level Responsibility**

All incidents of vehicle damage are investigated and appropriately reported to determine if a policy violation or a violation of the law occurred. The division command staff is responsible for ensuring the investigation is complete and the following take place:

- Notification of the risk manager
- Notification of the equipment rental manager
- Completion of appropriate case reports and supplemental reports (collisions require a uniform collision report form)
- Completion of the city incident forms by officers, witnesses, and supervisors.
- Commence Accident Review Board

If necessary, the Chief of Police will assign further investigation to the Professional Standards Division. The completed investigation will be forwarded to the Chief of Police for review and issuance of responsive professional development or discipline.

The Special Investigations Unit (SIU) may be requested by the Chief of Police to conduct the investigation if the incident causes serious injury or death.

### **Accident Review Board**

Upon receipt of a completed investigative file, the assigned command staff member will convene the Accident Review Board.

The Accident Review Board consists of a supervisor, an EVOC instructor, and three other noninvolved officers. The Professional Standards Division Captain shall select the officers to serve on the board.

When convened, the Accident Review Board shall review all documents related to the incident, relevant department policies and procedures, and will classify the occurrence as either preventable or not preventable.

The facts, opinions, and rationale employed by the Board in rendering such a finding shall be included with the written determination. The board's supervisor shall write up the determination.

If the Board determines that a collision was preventable, the assigned command staff will recommend appropriate action and finalize the investigation.

If the Board determines that a collision was not preventable, the assigned command staff may finalize the investigation.

### **26.2.1 COMPLAINT INVESTIGATION**

Police officers, as representatives of the law enforcement community, share a responsibility to serve the public in the most efficient and ethical manner possible while adhering to the highest moral and ethical standards of conduct at all times. This is essential if agencies are to maintain the public's trust upon which their continued success as an organization depends. Understanding this responsibility is critical to enhancing professionalism within law enforcement and providing a strong foundation for making wise decisions. Police officers must know the boundaries for acceptable behavior, as established by the government through the Constitution, as well as laws, regulations, and policies. Non-sworn employees are held to those same moral and ethical standards of conduct.

All external complaints will be handled expeditiously. The complainant, whether named or anonymous, will be given the option of submitting a formal or informal complaint. If the supervisor can settle an informal complaint at the time it is made, and providing the situation is of a minor nature, a Blue Team entry does not need to be completed. The supervisor handling the complaint informally shall advise the complainant that the complaint will not be documented.

The Chief of Police or designee may place an employee on Administrative Leave with pay if the nature of an investigation, if accusations are substantiated, has the potential to impede the Police Department in the ability to effectively fulfill its responsibilities. The Chief of Police or designee will notify Human Resources and the City Manager whenever an employee is placed on Administrative Leave.

### **26.2.2 COMPLAINT INVESTIGATION RECORDS**

Complaint investigative files are confidential records of alleged misconduct. These records are managed and secured as a function of the Professional Standards Division. All materials are secured digitally via IAPro and Evidence.com and given a security clearance level depending on the nature of the complaint.

All complaint investigations conducted prior to 2018 are held in locked file cabinets within the Office of the Chief.

Following Washington State Records Retention Schedule LE2022-003, records relating to complaints, grievances, misconduct, etc. (including their related internal reviews/investigations) involving officers are retained for 10 years after the date of separation. Including, but not limited to:

- Misconduct and equal employment opportunity complaints, whether founded or unfounded;
- Progressive discipline imposed, including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records;
- Other records needed to comply with the requirements outlined in [RCW 43.101.095](#) (Peace and

corrections officer certification) and [43.101.135](#) (Notice to Criminal Justice Training Commission of peace or corrections officer termination).

### **26.2.3 DIRECT ACCESSIBILITY TO THE CHIEF OF POLICE**

The Professional Standards Investigator or assigned command officer reports directly to the Chief of Police when investigating an Internal Affairs (IA) complaint.

### **26.2.4 REGISTERING COMPLAINTS PROCESS**

The Pasco Police Department manages an electronic submission option to register complaints and compliments at [www.feedbackppd.com](http://www.feedbackppd.com) and provides access to the Police Department website, as well as a kiosk installed in the Department lobby. The department accepts complaints in any format, including paper, electronic, verbal, or any other form of submission. Complainants may choose to identify themselves or remain anonymous.

### **26.2.5 ANNUAL SUMMARIES AND PUBLIC AVAILABILITY**

The Professional Standards Sergeant will provide annual statistical summaries of internal and external complaints to the Chief of Police for review. The summaries will be made available to personnel, and to the public through Public Records request.

### **26.3.1 COMPLAINT TYPES**

When possible, complaints will be handled by the immediate supervisor or the supervisor on duty; however, every member of the department has an obligation to accept complaints from the public if a supervisor is not available. When a supervisor receives a complaint, the following should be applied to determine if the information should be handled as a complaint.

- Has an allegation of improper behavior been made?
- Was the employee's alleged action(s) a possible violation of department policies and procedures?

If the complaint meets the above definition, the supervisor will then determine if the complaint requires further investigation. If so, the supervisor completes a Blue Team entry, and forwards to the complaint to the individual officer's immediate supervisor.

#### **Complaints for Line Supervisor**

Allegations that can be handled by the first-line supervisor include, but are not limited to:

##### **Rudeness**

- Unresponsive to requests
- Inappropriate language
- Inconsistent enforcement measures
- Failure to perform minor departmental procedures.

#### **Review of Supervisor Investigation**

When the supervisor concludes the investigation, the supervisor documents those conclusions in BlueTeam. The supervisor then forwards the BlueTeam entry through the chain of command.



Command staff reviews the BlueTeam entries for accuracy. They may determine that further investigation and/or disciplinary action should be taken.

If command staff receiving the BlueTeam entry determines the complaint warrants additional investigation, the BlueTeam entry is forwarded to the Chief of Police for review.

The assignment of further investigation will be determined by the Chief of Police, which could include outside agency assistance.

Whenever the department investigates allegations of police misconduct, all employees shall fully cooperate with the investigation and answer all questions truthfully and completely.

### **Complaints for Professional Standards**

Examples of allegations for investigation by the Professional Standards Division include:

- Repeated violations of department policy
- Racial, sexual, or other forms of harassment
- Violations of the law
- Excessive or inappropriate use of force

The Chief of Police will designate an entity to investigate these complaints.

### **Review of Professional Standards Complaints**

The Chief of Police will review the completed investigation and determine whether responsive professional development or discipline shall be imposed. Discipline will be issued at the command level.

If discipline greater than a written reprimand is appropriate, a Pre-Disciplinary Hearing held with the involved officer and the Chief of Police will be coordinated by the Professional Standards Division. After completion of the Pre-Disciplinary Hearing, the Chief of Police will submit a formal discipline recommendation to the City Manager. Thereafter, final discipline is imposed by the City Manager's office.

### **26.3.2 NOTIFYING THE CHIEF OF POLICE**

Complaints listed in 26.3.1.A – Complaints for Line Supervisors can be postponed to a later time.

Complaints listed in 26.3.1.C – Complaints for the Professional Standards Division shall be brought to the immediate attention of the Chief of Police.

### **26.3.3 INFORMATION GATHERING/TIME LIMITS**

Complaints listed in 26.3.1.A – Complaints for Line Supervisors will thoroughly outline the facts known at the time the complaint was received. The supervisor will document all relevant information to aid in the timely completion of the investigation and forward the information (i.e., case reports, CAD histories, complainant/witness statements, photographs, BWC, Axon Fleet, etc.) up the chain of command. The supervisor should complete their investigation within thirty (30) days of receiving the complaint.

Complaints listed in 26.3.1.C – Complaints for the Professional Standards Division will thoroughly

outline the facts known at the time the complaint was received. The Professional Standards Division or designee will document all relevant information to aid in the timely completion of the investigation and forward the information (i.e., case reports, CAD histories, complainant/witness statements, photographs, BWC, Axon Fleet, etc.) up the chain of command. Investigations will be completed as soon as possible and are considered the highest priority. The investigation should be completed within thirty (30) days of assignment. If during the investigation, unforeseen circumstances occur, an extension may be given by the Professional Standards Division. The assigned investigator notifies the affected employee of the extension period.

### **26.3.4 INFORMING COMPLAINANT**

When a complaint is filed, the Professional Standards Sergeant will notify the complainant via the provided cell phone or email address, that the police department has received their complaint.

The Professional Standards Sergeant will provide additional updates to the complainant when the investigation is active and when concluded, along with the complaint disposition.

### **26.3.5 STATEMENT OF ALLEGATIONS/RIGHTS**

#### **Line Supervisor Complaints**

For complaints handled at the supervisor level, no formal notification to the employee is required.

#### **Professional Standard Complaints**

Employees under investigation will be notified of an allegation against them by the assigned investigator within two working days of the commencement of the investigation.

If the Chief of Police determines that notification to the employee under investigation might compromise the inquiry, notification may be delayed until the end of the investigation.

Employees under investigation will be allowed all protection under Washington State Law, Pasco Civil Service Rules, Pasco City Ordinance, and the respective Collective Bargaining Agreements.

### **26.3.6 SUBMISSION TO TESTS, PROCEDURES**

When there is reason to believe the below-listed information is necessary during a Professional Standards Investigation, the Chief of Police or designee may require an employee to submit the following:

- Medical or laboratory examinations
- Photographs
- Audio or video recordings: Employees of an internal investigation may be provided an exact recorded copy of any of their statements upon request. If the employee requests an independent transcription of their taped statements, it will be at the employee's expense.
- May be required to participate in a lineup or photo montage
- May be required to submit to financial disclosure
- Instruments for detecting deception: The Pasco Police Department follows state law and the current labor contract when dealing with polygraph examinations during internal affairs investigations.

Evidence collection for Professional Standards Investigations involving Pasco Police Department employees will be conducted in accordance with Washington State Law and the current labor agreements.

### **26.3.7 RELIEVED FROM DUTY**

Immediate, temporary relief from duty may be ordered if an employee is involved in an incident related to their physical or psychological fitness for duty and is supported by reasonable cause to believe that it might be substantiated. In these instances, the employee is temporarily relieved of duty with pay by any person holding supervisory authority or who is acting in that capacity.

The temporary relief of duty shall be documented in BlueTeam by the supervisor and forwarded immediately through the chain of command. Command staff is notified at the earliest possible time of the decision to relieve the employee of their duties and sets a date and time to meet with the employee/s involved. Generally, this meeting should occur the next business day.

Command staff notifies the Chief of Police of the incident and whether a formal Professional Standards Investigation is recommended. The Chief determines whether to authorize a continuation of the temporary relief from duty for up to three days, orders the employee to return to work, or places them on Administrative Leave

### **26.3.8 CONCLUSION OF FACT**

At the conclusion of a Professional Standards Investigation, the following individuals will be notified in writing of the results as directed by the Chief of Police:

- Involved employee(s)
- Involved employee(s) chain of command
- Complainant

The Chief shall consider the findings and decide based on the facts gathered during the investigation. The burden of proof is a preponderance of the evidence. The Chief may send the investigative packet to the captain for review and input prior to rendering a decision. The Chief of Police will authorize the appropriate personnel to administer the determined responsive professional development or discipline at the conclusion of the investigation

The disposition types include:

**Unfounded:** The complaint was false, did not occur, or was not factual.

**Exonerated:** The allegation is factual and did occur, but the employee was justified and acted lawfully, properly, and within the bounds of accepted police conduct.

**Not Sustained:** There is insufficient information to prove or disprove the allegation.

**Sustained:** The allegation is supported by a preponderance of the evidence.

- Other misconduct-sustained: Misconduct discovered during the investigation, unknown at the

time of the original complaint. The misconduct is investigated under the same procedures as the original complaint.

- Failure of Policy: The policy was unclear or outdated and needs to be revised and played a significant role in the complaint being made.
- An Unintentional Error: This would be a minor allegation where there is sufficient evidence to support the claim as well as equal evidence, which shows the act was purely inadvertent.

### **Complaint Sustained**

If a complaint is sustained or other misconduct is disclosed during the investigation, disciplinary action may be taken. If a complaint is deemed false and the evidence indicates it was malicious, the employee can be provided all lawful assistance consistent with state law, City and department policies, and procedures to pursue civil recourse against the complainant.

Upon conclusion of an investigation where a sustained finding has been determined, responsive professional development and/or discipline may be administered.

If an investigation proves a "sustained allegation," and the Chief determines that suspension, demotion, or termination will occur, the employee has the right to use the grievance procedure outlined in the labor agreement or appeal to the Pasco Civil Service Commission.

## **DISCLOSURE INFORMATION**

### **Impeachment Disclosure**

Current or ongoing investigations pending criminal or administrative investigations are considered preliminary in nature, and the prosecution should be notified of their existence. Law enforcement has an obligation to communicate confirmed or acknowledged Brady information that occurs during a criminal or administrative investigation. *United States v. Olsen*, 704F.3d1172 (2013). The Chief of Police should consult with the appropriate legal counsel in making a determination if information not related to substantiated findings is potential impeachment information or in cases where he or she is uncertain regarding what action to take.

Impeachment evidence is evidence that demonstrates that a witness is biased or prejudiced against a party, has some other motive to fabricate testimony, has a poor reputation for truthfulness, or has past specific incidents that are probative of the witness's truthfulness or untruthfulness. It shall be the policy of the Pasco Police Department to follow Brady disclosure requirements consistent with [RCW 10.93.180](#).

Pasco Police Department shall provide written notice to the Potential Impeachment Disclosure (PID) Committee as outlined in [RCW 10.93.180](#).

Misconduct shall be reported within 10 days of the discovery of any act by the officer that may be potentially exculpatory to a criminal defendant or misconduct that the officer has engaged in that affects his or her credibility. Such officers are also subject to disciplinary action up to and including termination of employment.

Negotiated disciplinary sanctions, including, but not limited to, resignation in lieu of termination, do not alter any law enforcement agency's duty to identify and disclose PID material.

An investigation must be completed even if the officer has been terminated or has otherwise left employment with the agency. The ultimate PID determination will be made independent of the result of the Professional Standards Investigation.

Impeachment disclosure and exculpatory evidence is provided to prosecuting authorities in current and post-conviction investigations. Case law that governs these actions are:

- Brady v. Maryland, 373 U.S. 83 (1963)
- United States v. Agurs, 427 U.S. 97, 107 (1976)
- United States v. Bagley, 473 U.S. 667, 676 (1985)
- Kyles v. Whitley 514 U.S. 419, 433-434 (1995)
- Giglio v. United States 405 U.S. 150 (1972)

### **Exculpatory Evidence**

Exculpatory Evidence is exculpatory if it is evidence that is favorable to the defendant, is material to the guilt, innocence, or punishment of the defendant, and impeachment evidence that may impact the credibility of a government witness, including a police officer. Exculpatory evidence must be disclosed. When Pasco Police personnel become aware of such evidence, they shall:

- Document the evidence thoroughly, along with any relevant information.
- Notify the immediate supervisor at the earliest opportunity.

If the supervisor determines that the evidence is potentially exculpatory, they shall notify the prosecutor promptly.

### **Officer Certification**

Upon separation of a peace officer for any reason, including termination, resignation, or retirement, the department shall notify the Washington State Criminal Justice Training Commission (WSCJTC) within 15 days of the separation date on the required Notice of Peace Officer Separation Form.

If the department accepts an officer's resignation or retirement in lieu of termination, the department shall report the fact findings from the internal or external investigations into the alleged misconduct to the WSCJTC.

In addition, whether or not disciplinary proceedings have been concluded, the Pasco Police Department shall notify the WSCJTC commission within 15 days of:

- Learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime.
- An initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to [RCW 43.101.105](#).

When misconduct has occurred, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could

have resulted in the officer's suspension or discharge, the department shall conduct and complete the investigation and provide all relevant information to the commission as if the officer were still employed by the agency.

Upon request of the WSCJTC, the Pasco Police Department shall provide such additional documentation or information as the commission deems necessary to determine whether the separation or event provides grounds for suspension or revocation.

This department will not terminate a peace officer based solely on the imposition of suspension or probation by the WSCJTC.

Pasco Police Department may not enter into any agreement or contract with an officer or union:

Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a WSCJTC notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed, including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records.

### **26.3.10 PERSONNEL INVOLVEMENT IN DOMESTIC VIOLENCE INCIDENTS**

Domestic violence incidents involving employees of the Pasco Police Department and other law enforcement agencies that fall within the investigative jurisdiction of the police department shall receive the same response as they would to any other crime.

The police department has zero tolerance for domestic violence. Where incidents of domestic violence are alleged to have occurred, the police department will act quickly to protect the victim, investigate and arrest the perpetrator upon establishment of probable cause, and conduct such administrative and other investigations as deemed necessary.

The Domestic Violence Procedures Manual provides procedures relating to domestic violence investigations involving law enforcement personnel.

Employees who are a party to any restraining or protection order issued in any jurisdiction shall immediately report that fact to their supervisor. Supervisors shall immediately forward this information through the chain of command to the Chief of Police.