

Peoria Police Department Policy and Procedure Manual

Policy 5.01 Administrative Investigations/Discipline



**“Our Community...
Our Commitment”**

I. SUBJECT:

Administrative Investigations/ Discipline

II. POLICY STATEMENT:

A. It is the policy of the Peoria Police Department that all complaints against employees of the Department received from any source, whether inside or outside of the Department, will be thoroughly investigated. This will be done to clear the innocent, to protect their reputations, to increase morale and the effectiveness of police operations, to identify and remedy procedural problems, and/or to establish the guilt of transgressors and facilitate prompt and just disciplinary action. This order applies to Peoria Police Department administrative investigations only, and not to the procedures of a criminal investigation involving a Departmental employee. (1.2.9.c)

B. All Department employees shall be issued copies of and be instructed in the Administrative Investigations/ Discipline policy. Whenever changes are published, employees shall receive the updated copies.

1. All members/employees of the Peoria Police Department shall be afforded their employment rights in accordance with all policies, rules, regulations, ordinances, laws, and applicable court decisions.

2. Sworn members/employees of the Peoria Police Department are subject to the requirements of, and extended the rights granted by, the Peoria Police Officer's Bill of Rights, as written in the current Memorandum of Understanding between the City of Peoria and the Peoria Police Officer's Association.

3. Administrative Investigations involving the civilian employees of the Peoria Police Department shall be conducted in accordance with procedures established by the City of Peoria. These administrative investigations are not subject to the provisions of the Peoria Police Officers' Bill of Rights.

C. An investigation involving members of the Department from both the sworn and non-sworn ranks shall be conducted in accordance with the provisions of this policy.

III. PURPOSE:

The purpose of this policy is to provide the established City of Peoria Police Department philosophy to its employees as to the procedures and guidelines utilized for conducting administrative investigations and administering discipline/corrective action that its employees shall adhere to. The purpose of an administrative investigation is to determine the facts of any incident that occurred which will allow the administrative staff to correct any and all problems that may be identified.

IV. DEFINITIONS:

A. Administrative Investigation – a non-criminal investigation, ordered by the Chief of Police, to determine the facts of what occurred in response to an alleged or suspected violation of an established rule, regulation, or procedure.

B. Formal Complaint – An allegation of misconduct where the complainant is requesting an administrative investigation or is willing to cooperate with the administrative investigation process or where the initiating supervisor deems the allegation to be of a potentially serious nature which may warrant discipline and/or corrective action.

C. Informal Complaint – A complaint that involves allegations of a non-serious nature where the complainant elects not to pursue a formal complaint process. The complainant may simply request notification be made to the employee's supervisor regarding the incident and their dissatisfaction with the service level provided.

D. Preliminary Inquiry – The investigative process conducted by the initiating supervisor to determine and document the appropriate level of disciplinary and/or corrective action.

E. Investigating Supervisor – the supervisor designated by the Chief of Police that is assigned as the primary investigator for the administrative investigation.

F. Employee Notification of Administrative Investigation (Notice of Investigation - NOI) – the written notification to an employee that details their involvement within an open administrative investigation.

G. Employee/Person Status – (The status of an employee may change during the investigative process.)

1. Complainant – the person who alleges a violation. This can be a Department member or a subject from outside the Department's employ.

2. Witness – a person, who was present during the incident, and who the investigating supervisor reasonably believes is not involved in any alleged violation of a rule, regulations, policy, or procedure. This can be a Department member or a subject from outside the Department's employ.

3. Investigative Lead – an employee who may have information regarding the matter being investigated, who was present during the incident, and/or may be involved in the suspected violation.

4. Involved Employee – an employee, who through the investigative process, was alleged to have violated the rule, regulation, policy, or procedure.

5. Accused Employee – an employee following a sustained finding in an Administrative Investigation, who is formally accused, by the Department, following a sustained

finding of allegation(s) of violation(s) of policy, rule(s), regulation(s), or procedure(s).

H. Allegation – an act by an employee that is the commission of any prohibited act or the omission of any act that is required. An allegation may encompass the violation of several regulations and policies, but each allegation is a separate act. Each rule violated during a single act is not a separate allegation.

I. Discipline/Corrective Action – the action administered to an employee, by a supervisor to correct the behavior of an employee and reaffirm or establish a standard of behavior for the employee and other members of the Department.

J. Progressive Discipline – the administering of discipline/corrective action to an employee which increases in severity to correct similar or related acts committed by an employee which occur within close proximity of one another or represent a pattern of non-compliance with Department or City policy. The acts or behavior may or may not be the same violation of a specific regulation, policy, and/or procedure.

V. PROCEDURE:

The Administrative Investigation Function: The personnel assigned to the Professional Standards Unit shall be designated by the Chief of Police to conduct and/or assist in conducting administrative investigations. The Professional Standards Unit supervisor will report directly to the Chief of Police. (11.1.1) (52.1.2)

A. The Professional Standards Unit, or the designee, shall be responsible for the record keeping functions relating to all administrative investigations. These functions shall include, but are not limited to: (11.1.1)

1. Recording, registering, and coordinating the investigation of formal citizen complaints against employees or the Department. (26.1.8)

2. Supervising and coordinating the investigation of alleged or suspected misconduct within the agency.

3. Maintaining the confidentiality of the administrative investigations and records.

4. Advising the Chief of Police via the monthly report of any bias biased profiling concerns. (1.2.9.d)

B. Confidentiality: The confidentiality of these records is important and to ensure that, the administrative investigation records will be separate and apart from the personnel records and/or centralized records system. (26.1.8)

1. All written records of disciplinary action involving Department employees are maintained within the employee's City personnel file located within the Human Resources Division. The Police Department will maintain a copy of all disciplinary actions within the Peoria Police Department employee file (4006), and any disciplinary action resulting from an administrative investigation will be included within the investigative file, maintained by the Professional Standards Unit in a secure location. (26.1.8)AI

2. All administrative investigation files which are two (2) years old (commencing from the date of disposition) will be purged and forwarded to the City Attorney's Office for final disposition. This will include all documents, tape recordings, video recordings, photographs, diagrams, models, and computer disks. Investigations involving the death or serious injury to a human being as a result of an officer's use of force, or an investigation involving a disciplinary action of a suspension, demotion, termination, or investigations pending civil action or administrative appeal, will be retained and reviewed each year by the Chief of Police and the City Attorney's Office to determine whether retention of the file is appropriate. This will be accomplished in January of each calendar year. (26.1.8)

C. All administrative investigations shall be conducted by a Department supervisor, any employee assigned to a supervisory function, or supervisors designated by the Chief of Police to perform the function. While performing administrative investigation functions, the assigned investigating supervisor(s) will report directly to the Chief of Police or the designee. An administrative and criminal investigation may be conducted concurrently, but they must be separate investigations. All use of force allegations/investigations shall be conducted by the Professional Standards Unit, unless otherwise directed by the Chief of Police. (26.1.5) (52.1.2)

1. Misconduct: Complaints of alleged misconduct by employees may be assigned to that employee's immediate supervisor for investigation, when the conduct is not a violation of criminal statute. (52.1.1.a) (1.2.9.c)

2. Criminal Acts: Cases involving criminal acts by employees shall be assigned to the Criminal Investigations Bureau, or an outside agency for investigation. The case may be assigned to one or a combination of these entities. (52.1.1.b)

3. Assignment: The Chief of Police has discretion to assign internal cases for investigation in the manner he or she feels will best serve the interests of all involved parties, while ensuring a fair and unbiased investigation of the complaint.

4. Time Requirements: All investigations shall be completed within sixty (60) days of the date the Chief of Police signs or initials the Administrative Complaint Control

Form, with written status reports due to the Chief of Police or the designee, every fourteen (14) calendar days, up to the time the investigation is submitted for review by the investigating supervisor. This shall be annotated on the Mandatory Administrative Investigation Standards Checklist, and documented within the narrative portion of the investigative report. (52.1.4)

a. Extensions: If requested by the investigating supervisor in writing, the Chief of Police may grant extensions to the sixty (60) day completion requirement. Once an extension to an investigation is granted, the assigned investigating supervisor shall obtain and complete an additional Mandatory Administrative Investigation Standards Checklist. This checklist shall reflect the required status reports to the Chief of Police, the accused employee, and the complainant, in accordance with the established time frames.

b. Employee Notification: Every fourteen (14) calendar days all involved employees shall be notified of the status of the investigation. The notifications to all involved employees shall be in Departmental memorandum or departmental electronic mail format, and a copy submitted with the investigative report.

c. Complainant Notification: The complainant shall be contacted at the thirty (30) day point. All notifications to the complainant shall be accomplished through verbal contact or via a letter on Department letterhead. These notifications shall be annotated on the Mandatory Administrative Investigation Standards Checklist, and documented within the narrative portion of the investigative report.

d. Extension Notifications: Notifications of extensions and thirty-day status reports to complainants outside of the police department shall be made through verbal contact or via a letter on Department letterhead.

5. Written Verification: With the exception of anonymous complaints, investigating supervisors will provide written verification to the complainant(s) within fourteen (14) calendar days that the complaint has been received for processing. A copy of the written verification to the complainant shall be maintained in the investigation's file. The informational brochures may be provided to the complainant at the time the complaint is received to satisfy the requirements of this section. The brochure may also be mailed to the complainant. (52.1.5.a) (26.1.5)

6. Deputy Chief Responsibility: The Deputy Chief of the assigned investigating supervisor will be responsible to ensure that all complaints being investigated by their subordinates are completed within the authorized time.

7. Findings Letter: Upon completion of the entire investigation process, the Chief of Police will approve a notification of findings letter to the complainant. This letter will contain the following:

a. The allegations and findings of the investigation.

b. A brief definition of the various terms, i.e., unfounded, exonerated, etc. (52.1.5.c)

D. Outside Agency Investigations: If the investigation is conducted by an outside agency representative (only with the permission of the Chief of Police and only under exigent circumstances), that agency shall conduct themselves according to the guidelines established in this policy if applicable. This does not apply to criminal investigations and/or investigations initiated or conducted by outside Departments or agencies regarding Equal Employment and Opportunity Commission subject matters.

VI. PROFESSIONAL STANDARDS UNIT RESPONSIBILITIES: (11.1.1)

A. The Chief of Police will direct and supervise the Professional Standards Unit with the responsibility for the supervision and direction of the Professional Standards Unit. The Professional Standards Unit shall be responsible for the following, under the direction of the Chief of Police:

1. Assisting in maintaining Department integrity.
2. Protecting innocent members.
3. Identifying police misconduct so those members may be retrained, corrected and/or disciplined through proper administrative action(s).
4. Referring complaints that allege departmental policy, procedure, or service delivery error(s) to the appropriate Deputy Chief of Police through the Office of the Chief of Police.
5. Coordinating and expediting all administrative investigations and citizen complaints and conducting specific investigations at the direction of the Chief of Police.
6. Assisting other supervisors with their administrative investigations.
7. Maintaining the Department's administrative investigation files.
8. Conducting inspections at the direction of the Chief of Police.
9. Performing administrative or other duties as directed by the Chief of Police.

10. Handling and distributing the computer generated complaints from the Office of the City Manager.

11. Maintaining statistical records regarding internal investigations. An annual summary report shall be completed and forwarded to the Chief of Police for review and disseminated in the Department's annual report which shall be made available to all agency personnel as well as the public. (52.1.11)

12. The Professional Standards Unit is required to complete an annual administrative review of agency practices including citizens concerns reference Bias Based Profiling. (1.2.9.d)

B. Case Files: The Professional Standards Unit, or the designee, will prepare a case file on all cases upon receipt or initiation of an Administrative Complaint Control Form (ACCF), and will monitor the progress of each case.

C. Criminal Notification: Whenever an administrative investigation yields evidence of possible criminal misconduct on the part of departmental members or other persons, the Professional Standards Unit will immediately notify the Chief of Police, who will determine what further action will be taken. (52.1.3)

D. Professional Standards Unit Complaint Acceptance: Citizen complaints and inquiries can be directed to the Professional Standards Unit by other personnel if an on-duty supervisor is not available.

E. Professional Standards Unit Investigations: If approved by the Chief of Police, the Professional Standards Unit, or the designee, will have sole investigative responsibility in all the following cases: (52.1.1.b)

1. When directed to do so by the Chief of Police.
2. When the involved member's Deputy Chief, with the approval of the Chief of Police, determines the investigation is too complex to be investigated by division supervisors.
3. When members of more than one division are involved in allegations of misconduct in the complaint.
4. Incidents where any person has died, or has been seriously injured to the extent that medical attention is required or requested, and/or when there is an allegation of excessive force.
5. The administrative investigation involves complaints alleging criminal violations.
6. Administrative investigations of Department shooting incidents, as described by Department policy.

F. Whenever an incident occurs which is within the sole investigative responsibility of the Professional Standards Unit, it will be the responsibility of the supervisor receiving the complaint to immediately notify the Chief of Police, or the designee, and the affected Shift Lieutenant, regardless of the hour of the day. In such cases, it will be the responsibility of the supervisor receiving the complaint to take any immediate action necessary to preserve the integrity of the investigation until the arrival of the Professional Standards Unit. If the Professional Standards Unit determines that they have sole investigative responsibility, they will notify the Chief of Police, or the designee, and ensure that proper Department procedure is followed. (26.1.5)

G. If the Professional Standards Unit has sole investigative responsibility, the involved member's Deputy Chief will be notified that the Professional Standards Unit will conduct the investigation. The investigating supervisor will notify the involved member's supervisor, through the line of authority.

H. The Professional Standards Unit, through the Chief of Police, may request assistance of other members of the Department during the course of the investigation.

I. The Professional Standards Unit shall be required to respond to the scene of all officer involved shooting incidents, as deemed necessary by Departmental policy.

J. The Professional Standards Unit shall review all Administrative Complaint Control Forms forwarded by line supervisors for filing in order to insure consistent application of disciplinary actions.

K. Administrative investigations will be completed within 60 days, unless extended by the Chief of Police or the designee.

VII. ADMINISTRATIVE INVESTIGATION FILES - Use and Access:

A. Access to administrative investigation files will be limited to the Chief of Police, the Deputy Chiefs of Police, and personnel so designated by the Chief of Police. (52.1.10)

B. Any Department supervisor may obtain certain information from these files concerning employees under their supervision (on a need-to-know basis), by contacting the Professional Standards Unit or their designee during regular business hours. (52.1.11)

C. The Professional Standards Unit, or the designee, will maintain records of all complaints against the Department and its employees. Confidentiality of these records will be maintained and security precautions will be taken to ensure confidentiality. Only the Chief of Police, the Deputy Chiefs of Police, or personnel specifically authorized by the Chief of

Police may have access to the administrative investigative records and files of the Peoria Police Department. (52.1.10)

D. If the investigation concluded with a finding of sustained, and discipline is rendered in the form of a letter of reprimand, or the proposed discipline is a suspension from duty without pay or greater, the Chief of Police or the designee, if requested, shall provide the accused employee with a complete copy of the investigative materials utilized as a basis for the discipline/corrective action administered, except for items which Arizona Law provides are public records not subject to disclosure. Other employee(s) listed within the investigative report, such as witness(s), complainant(s), or investigative lead(s), shall not be entitled to copies of items other than their own memoranda or written statements.

E. Public Records Access: Whenever an employee's Departmental Records (personnel, training, A.I., etcetera) are requested from an outside source, via a request for public records, the employee shall be notified by the Chief of Police or his/her designee, prior to the release of any official record. The employee shall be advised of the person submitting the request, the date of the request, and what information is being requested.

VIII. ROUTING OF DISCIPLINARY REPORTS:

A. If an allegation has been sustained and disciplinary/corrective action taken, copies of the memorandum of findings and any documents of disciplinary action taken will be given to the employee and placed in the appropriate employee files. All disciplinary/corrective actions involving a formal letter of reprimand or greater shall require the notice to be forwarded to the Human Resources Department for inclusion into the employee's personnel file. A copy of the notice shall be included within the employee's Police Department Employee File (4006) and the employee's Individual Performance Record (IPR). (26.1.8)

B. In administrative investigations not conducted by the Professional Standards Unit, or the designee, a copy of all related reports and tape recordings shall be forwarded to the Chief of Police directly by the investigating supervisor. The investigating supervisor shall not forward the materials through their chain of command. The Chief of Police shall provide the materials to the Professional Standards Unit, or the designee, for quality control review and filing. (26.1.8) (52.1.10) (52.1.1.c)

C. Administrative investigation reports will be filed only within the Professional Standards Unit files, as designated by the Chief of Police. Copies of these reports, tape recordings, or computer disks will not be retained by individual investigators, unless approved by the Chief of Police. (26.1.8) (52.1.10)

D. Corrective Action/Disciplinary Action:

1. The City of Peoria Personnel Administrative Regulations shall take precedence over any Department Policy if the rule is found to be in conflict with any regulation, rule, or procedure established by the City of Peoria. The elements of this policy shall be subject to the requirements of the City of Peoria Personnel Administrative Regulations and shall remain in full compliance of those regulations.

2. The Peoria Police Department will administer corrective action and/or discipline in a fair, impartial, and consistent manner. Discipline will normally be progressive in nature, and the first line supervisor, manager or lieutenant, Deputy Chief of Police, and/or the Chief of Police shall be the final Department level authority in deciding the type of corrective action and/or discipline to be administered as authorized by this policy.

3. Corrective Action within the Peoria Police Department will maintain consistency with the City of Peoria Rules and Regulations as they relate to the types of corrective action, which may and/or should be administered.

E. Corrective Action:

1. Supervisory Counseling: Meeting with supervisor to identify concerns, outline a plan of action to correct identified problems and specify time lines for improvement/correction of deficiency. This shall be documented in the employee's IPR. (26.1.4.b)

2. Mandatory Training: Instruction in the area of concern to ensure employee becomes proficient or gains the knowledge necessary to overcome the identified problem area. This shall be documented in the employee's IPR and Training File. (26.1.4.a)

F. Discipline:

1. Disciplinary Action within the Peoria Police Department will maintain consistency with the City of Peoria Rules and Regulations as they relate to the types of disciplinary action, which may and/or should be administered. The following describes the types of disciplinary actions, which an employee may receive:

a. Verbal Reprimand: A verbal admonishment of a subordinate by a superior concerning an infraction or violation of a policy, procedure, or regulation. This shall be documented in the employee's IPR.

b. Letter of Reprimand: A formal written disciplinary report documenting the incident is placed in the employee's City of Peoria Personnel File, the employee's Department File (4006), and documented within the employee's annual performance appraisal for the rating period that the written reprimand was received.

c. Suspension: The employee is suspended from duty without pay.

d. Demotion: The employee is reduced in rank and/or reclassified into another position in accordance with guidelines as provided by the Human Resources Department.

e. Dismissal: The employee is separated from the City work force. In the event that an investigation of officer misconduct results in dismissal, the employee shall receive a Notice of Separation which contains the following information: (Any employee who fails to meet probationary requirements will be exempt from this requirement.)

(1) A statement citing the reason for the dismissal. (26.1.7.a)

(2) The effective date of the dismissal. (26.1.7.b)

(3) A statement of the status of the employee's fringe and retirement benefits after dismissal (26.1.7.c.)

2. The requirements as set forth in the City of Peoria Administrative Regulations regarding the dismissal of employees shall also be adhered to.

a. The appeal process and procedures of any disciplinary action are defined and detailed within the City of Peoria Administrative Regulations and the applicable Memorandum of Understanding for the covered employee groups. (26.1.6)

b. Any recommendation for discipline/corrective action greater than a Letter of Reprimand involving an employee covered by the provisions of the Peoria Police Officers' Association (PPOA) Memorandum of Understanding will normally be submitted to the Disciplinary Advisory Board as stated within Peoria Police Department Policy 5.01.A.

c. The Chief of Police retains the right to directly deal with disciplinary cases of an exceptional nature and to skip or omit the Disciplinary Advisory Board process.

IX. EMPLOYEE NOTICE OF ADMINISTRATIVE INVESTIGATIONS (NOI):

A. Any employee involved in an administrative investigation for possible misconduct shall be notified within ten (10) calendar days from the date of the approval of the Chief of Police to conduct an administrative investigation.

1. Any scheduled or unscheduled days absent from duty, including but not limited to, normal days off, vacation, and sick leave, will not be counted as part of the ten (10) calendar days.

2. The Employee Notification of Administrative Investigation Memorandum shall be issued to all known involved employees, regardless of their status within the investigation. This shall be completed even if the employee is not going to be interviewed.

B. The notification shall contain the following:

1. The nature of the investigation (at least one of the applicable City of Peoria Administrative Regulations and City of Peoria Police Department Policies which is alleged to have been violated will be listed after the allegation).

2. Their status in the investigation (i.e., witness, investigative lead, involved employee, complainant)

3. The investigating supervisor in charge of the investigation and their authority, if applicable.

4. The investigator shall clearly inform the employee of their (the investigator's) role in the investigation.

5. That any such required statements, tests, or examination results may be used against the employee in a disciplinary action or civil proceeding.

6. That the employee will be informed not to speak to anyone regarding an investigation. The employee will abide by the order with the following exceptions:

a. Conversations with attorney(s) functioning within the attorney-client relationship.

b. The employee's spouse or significant other.

c. The employee's designated union or personal representative.

7. That any employee under investigation for possible misconduct will be informed of the following in writing, if they apply or are used: An employee can be required to answer questions, submit to examinations or tests (including, but not limited to, intoxilyzer, handwriting analysis, the obtaining of latent prints, polygraph, urinalysis, any and all standard medical and laboratory tests, etc.) relating to their duties and the subject of the investigation, and they may be disciplined for refusal to properly participate in the examinations or tests. These tests do not refer to the standard controlled substance screening as described by the established Department and City policy, and the current M.O.U. (52.1.7.a)

8. NOI Service: The Employee Notification of Administrative Investigation shall be served personally to the involved employee, by a supervisor. If the investigating

supervisor can not serve the employee in a timely manner, the notice shall be provided to the employee's Shift Lieutenant for issuance, and once served, the signature page returned to the investigating supervisor.

9. Polygraph Examinations

a. Sworn employees may be polygraphed in accordance with their respective Memorandum of Understanding or the Police Officer's Bill of Rights.

b. If an employee is not covered by either Memorandum of Understanding or the Police Officer's Bill of Rights, they will be examined under the standard City guidelines. (52.1.7.e)

C. The accepted format of the Employee Notification of Administrative Investigation shall be on a Departmental Memorandum, in a form approved by the Chief of Police. Peoria Police Department Form 150-025 shall be the form utilized for the Employee Notification of Administrative Investigation.

D. Reassignments: An employee under administrative investigation may be reassigned (may include reassignment to their home), until the completion of the investigation. The type and duration of the reassignment shall be the decision of the Chief of Police. The Chief of Police may review the facts causing the reassignment at any time to determine if the reassignment is appropriate at the time, or at the request of the effected employee. (52.1.8)

X. REPRESENTATION:

An employee subjected to interrogation or interview during any administrative investigation being conducted by a Police Department supervisor shall have the right to have one (1) person of their choice (i.e., Association representative, personal representative, attorney) present during any and all such interrogation(s), interview(s), or meeting(s) regarding the investigation. If the employee has an attorney present, they may have one (1) association representative present also. (25.1.1.e)

A. The representative chosen by the employee must be at the location of the interview within two (2) hours of the initial notification by the supervisor that an interview is to take place. If the chosen representative is not available within two (2) hours, the employee shall chose a different representative who is available within the time limit.

B. Additionally, the two (2) hour time limit will not change regardless of the number of persons the employee attempts to contact to fulfill the representative role. The interview will be conducted only after the Chief of Police, the Deputy Chief, or lieutenant/manager within the investigating supervisor's chain of command has been

notified that a representative cannot be retained by the employee.

C. Role of the Employee Representative

- 1. Non-Active observer of discussion between a supervisor and an employee.
- 2. May interrupt and/or object to said discussion if they believe a violation of this policy and/or the Police Officer's Bill of Rights occurs, if the representative feels that the employee's statements are inaccurate, or if related issues have not been addressed.
- 3. Interference in a discussion between a supervisor and an employee by an employee representative will not be tolerated. If repeated representative interference occurs during the same discussion, the supervisor will stop the interview and contact their immediate supervisor or their Deputy Chief. The immediate supervisor or the Deputy Chief will address the situation and notify the employee association President of the representative's interference.
- 4. The employee representative may make a statement or offering of information at the end of the interview.
- 5. The employee representative may ask follow-up or clarifying questions at the end of the interview.

XI. MATTERS SUBJECT TO ADMINISTRATION INVESTIGATION:

The following matters, but not limited to, are subject or cause to request and/or initiate an administrative investigation.

- A. Any suspected regulation, policy, procedure, or rule violation.
- B. Any suspected violation of a Federal, State, County, or Municipal law, ordinance, or code.
- C. Police Department Vehicle Accidents/Collisions or damage to City/Department equipment in which there was serious physical injury as defined by the State of Arizona Traffic Accident Investigation Manual, where there is a substantial loss or damage of property, where the City of Peoria may incur liability as a result of an employee's alleged actions, or where the involved employees record of vehicle accidents or disciplinary actions may warrant significant discipline.
- D. Unprofessional conduct.
- E. Firearms discharge as directed by policy.
- F. Neglect of duty.
- G. Inappropriate off-duty conduct.

H. The issue is complex and involves personnel outside of the span of control of the immediate supervisor.

I. The issue is a continuing problem in which corrective action by the supervisor has not been effective requiring more severe discipline.

J. The issue may reasonably involve a policy revision or Department wide training.

XII. MATTERS NOT GENERALLY SUBJECT TO ADMINISTRATIVE INVESTIGATIONS:

A. Matters where there is no dispute by the employee to the alleged events, there is no denial that the event occurred, and the resulting disciplinary action would not be greater than a Letter of Reprimand.

B. Police Department vehicle collisions/accidents or damage to City/Department equipment where there is minor injury and/or property damage, and the employee's action are not alleged to have been reckless, shall be directed to the Department's Vehicle Operations and Safety Committee, as directed within Peoria Police Department 4.08.

C. Any matter deemed by the Chief of Police or the Vehicle Operations and Safety Committee to be significant in nature may be directed to a supervisor for administrative investigation.

D. Employees scheduled for interview as "witness" to any Administrative Investigation or Preliminary Inquire are entitled to have a representative of their choice. However, representative for witness employees will not be allowed to participate in interviews while on City time.

XIII. SUPERVISOR DISCIPLINE/CORRECTIVE ACTIONS MATTERS:

A. The following matters should be appropriately handled by an immediate supervisor by administering the appropriate discipline/corrective action, without requesting or initiating a formal administrative investigation. The following acts may be handled by the immediate supervisor by administering a formal Letter of Reprimand, Verbal Reprimand, Supervisory Counseling, IPR entries or through other procedures available to each supervisor:

- 1. Policy violations of a minor nature in which no injury, minor damage, or no liability occurred.
- 2. Training issues of an individual nature directly in the span of control of the supervisor.
- 3. Performance issues of an individual nature directly in the span of control of the supervisor.

B. Disciplinary Authority:

1. The immediate first line supervisor may administer discipline/corrective action to an employee within their line of authority up to and including a formal letter of reprimand.

2. A manager/Lieutenant and a Deputy Chief of Police may administer discipline/corrective action to an employee within their line of authority up to and including a two (2) day suspension from duty without pay.

3. The supervisor shall consider and determine the most suitable course of action to correct the behavior of the employee, such as, letter of reprimand, verbal reprimand, supervisory counseling IPR entries, supervisor level directed training, activating the Personnel Performance System, a recommendation for mandatory counseling, or other appropriate action.

4. In the event that the Chief of Police determines that the action taken and/or proposed by a subordinate level supervisor is insufficient or not in accordance with Department and City norms or expectations, the Chief of Police may impose a different disciplinary disposition be imposed.

C. All matters involving the administering of disciplinary/corrective action shall be in accordance with this policy and are subject to the review of the initiating supervisor's chain of command.

XIV. SUPERVISOR DISCIPLINE/CORRECTIVE ACTION PROCEDURE:

A. A first line supervisor (sergeant or civilian supervisor) may issue a subordinate employee within their line of authority discipline/corrective action up to, and including a formal letter of reprimand for an admitted, sustained, or verified allegation of misconduct.

B. A Lieutenant or manager, and a Deputy Chief of Police may issue a subordinate employee within their line of authority discipline/corrective action up to, and including a two (2) day suspension without pay for a sustained or verified allegation of misconduct.

C. Any employee who receives disciplinary/corrective action of a letter of reprimand or greater as described above, may request a review by the Chief of Police of the action taken. The determination of the Chief of Police is final and may not be appealed in accordance with the established Personnel Administrative Regulations of the City of Peoria.

D. Any employee who is the subject to an interview or interrogation as a result of an administrative investigation, inquiry, and/or review conducted by a Department supervisor shall have the right to representation in accordance with their applicable Memorandum of Understanding, the regulations

and policies of the City of Peoria and the Police Department, and all applicable court rulings.

E. The process for a first line supervisor to issue a discipline/corrective action to a subordinate employee within their line of authority is as follows:

1. The supervisor identifies an alleged violation of a specific regulation, policy, rule, or procedure.

2. The supervisor confers with their Lieutenant/manager and discusses the possible need for discipline/corrective action if the allegation is sustained.

3. If approved by the Lieutenant/manager, the supervisor will conduct a review into the matter. The employee shall be notified of the allegations prior to the start of any interview or interrogation.

4. The supervisor shall document their actions within a memorandum narrative, to include their findings and recommendations.

5. The memorandum shall be forwarded through the supervisor's chain of command to the appropriate Deputy Chief of Police.

6. The Deputy Chief of Police shall forward the memorandum to the Office of the Professional Standards Unit. The Professional Standards Unit shall review the memorandum to ensure that requirements of this policy are met and the recommendations are appropriate and within the established guidelines of the City of Peoria and the Peoria Police Department.

7. Once the review of the Professional Standards Unit is completed the memorandum shall be returned to the appropriate Deputy Chief of Police with a memorandum from the Professional Standards Unit stating that the described review was completed. The Deputy Chief of Police shall review the memorandum to ensure that the requirements of this policy are met and the recommendations are appropriate and within the established guidelines of the City of Peoria and the Peoria Police Department. The memorandum shall be returned to the Professional Standards Unit.

8. If a formal letter of reprimand is the recommended discipline/corrective action, the Professional Standards Unit shall assist the supervisor in drafting a formal letter of reprimand. The letter of reprimand shall utilize the format approved by the Office of the Chief of Police and the Human Resources Department.

9. The draft letter of reprimand shall be reviewed and approved by the initiating supervisor and the supervisor's Lieutenant or manager.

10. Once approved, the letter of reprimand shall be finalized and signed by the initiating supervisor and their Lieutenant or manager. Up to January 1, 2004, all letters of reprimand shall be approved by a Deputy Chief of Police.

11. The employee shall sign two original letters and be provided an original letter. The employee shall sign an original letter for inclusion into the appropriate files. The original letter shall be forwarded, along with the memorandum and associated materials to the Professional Standards Unit for filing.

12. The original letter of reprimand shall be forwarded to the Human Resources Department for inclusion into the employee's City of Peoria Personnel File, a copy shall be placed into the employee's Police Department Employee File (4006), and a copy provided to the employee's immediate supervisor.

13. If the employee believes that the discipline/corrective action was not within the regulations, policies, or the established guidelines of the City of Peoria and the Peoria Police Department, may request that the Chief of Police review the action taken. The determination of the Chief of Police is final and may not be appealed in accordance with the established Personnel Administrative Regulations of the City of Peoria. The employee must complete a memorandum and submit it through their chain of command to the Chief of Police within fourteen (14) calendar days of their notice, requesting that a meeting be scheduled to review the discipline/corrective action administered. The Chief of Police may schedule a meeting with the employee and their chain of command and review the action or the Chief of Police may make a determination based on a review of the record. The Chief of Police shall provide a memorandum with his final decision to the employee within fourteen (14) calendar days following the review meeting or a review of the record.

F. The process for a lieutenant/manager or Deputy Chief of Police to issue a discipline/corrective action to a subordinate employee within their line of authority of a suspension from duty without pay for two (2) days or less is as follows:

1. The Lieutenant/manager or Deputy Chief of Police identifies or verifies an alleged violation of a specific regulation, policy, rule, or procedure.

2. The Lieutenant/manager or Deputy Chief of Police confers with their immediate supervisor and discusses the possible need for discipline/corrective action if the allegation is sustained.

3. If approved by their immediate supervisor, the Lieutenant/manager or Deputy Chief of Police will conduct an investigation into the matter. The employee shall be notified of the allegations prior to start of any interview or interrogation.

4. The Lieutenant/manager or Deputy Chief of Police shall document their actions within a memorandum narrative, to include their findings and recommendations.

5. The memorandum shall be forwarded through the Lieutenant's/manager's chain of command to the appropriate Deputy Chief of Police. If the Deputy Chief of Police is the initiating supervisor, the memorandum shall be forwarded to the Chief of Police.

6. The Deputy Chief of Police shall forward the memorandum to the Office of the Professional Standards Unit. The Professional Standards Unit shall review the memorandum to ensure that requirements of this policy are met and the recommendations are appropriate and within the established guidelines of the City of Peoria and the Peoria Police Department.

7. Once the review of the Professional Standards Unit is completed the memorandum shall be forwarded to the appropriate Deputy Chief of Police with a memorandum from the Professional Standards Unit stating that the described review was completed. The Deputy Chief of Police shall review the memorandum to ensure that the requirements of this policy are met and the recommendations are appropriate and within the established guidelines of the City of Peoria and the Peoria Police Department. The memorandum shall be returned to the Professional Standards Unit.

8. If a formal letter of reprimand is the recommended discipline/corrective action, the Professional Standards Unit shall assist the supervisor in drafting a formal letter of reprimand. The letter of reprimand shall utilize the format approved by the Office of the Chief of Police and the Human Resources Department.

9. The draft letter of reprimand shall be reviewed and approved by the initiating supervisor and the initiating supervisor's immediate supervisor.

10. Once approved, the letter of reprimand shall be finalized and signed by the initiating supervisor and their immediate supervisor. Up to January 1, 2004, all letters of reprimand shall be approved by a Deputy Chief of Police.

11. The employee shall sign two original letters and be provided an original letter. The employee shall sign an original letter for inclusion into the appropriate files. The original letter shall be forwarded, along with the memorandum and associated materials to the Professional Standards Unit for filing.

12. The original letter of reprimand shall be forwarded to the Human Resources Department for inclusion into the employee's City of Peoria Personnel File, a copy shall be placed into the employee's Police

Department Employee File (4006), and a copy provided to the employee's immediate supervisor.

13. If the employee believes that the discipline/corrective action was not within the regulations, policies, or the established guidelines of the City of Peoria and the Peoria Police Department, may request that the Chief of Police review the action taken. The determination of the Chief of Police is final and may not be appealed in accordance with the established Personnel Administrative Regulations of the City of Peoria. The employee must complete a memorandum through their chain of command to the Chief of Police within fourteen (14) calendar days of their notice, requesting that a meeting be scheduled to review the discipline/corrective action administered. The Chief of Police may schedule a meeting with the employee and their chain of command and review the action or the Chief of Police may make a determination based on a review of the record.. The Chief of Police shall provide a memorandum with his determination to the employee within fourteen (14) calendar days following the review meeting or a review of the record.

G. Lieutenant/Manager Imposed Suspension:

1. If the discipline to be administered is greater than a letter of reprimand, the memorandum may be forwarded to the appropriate Deputy Chief of Police to convene a Disciplinary Advisory Board if the involved employee is covered by the provisions of Peoria Police Department Policy 5.01.A.

2. If the DAB is utilized, and once the recommendation of the Disciplinary Advisory Board is completed, the appropriate Lieutenant/Manager or the Deputy Chief of Police shall render their decision as to what is being considered as the appropriate discipline/corrective action that is to be administered.

3. If a suspension from duty without pay is the recommended or decided discipline/corrective action, the Professional Standards Unit shall assist the supervisor in drafting the notice of findings to the employee. The notice of findings shall utilize the format approved by the Office of the Chief of Police and the Human Resources Department.

4. The draft notice of findings shall be reviewed and approved by the initiating supervisor and the initiating supervisor's immediate supervisor. Up to January 1, 2004, all notice of findings regarding suspensions shall be approved by the Chief of Police.

5. The draft notice of findings shall include a scheduled date and time that offers the involved employee an opportunity to attend a pre-disciplinary meeting in accordance with the City of Peoria Personnel Administrative Regulations. This meeting shall be convened by the appropriate Lieutenant/Manager or the Deputy Chief of Police prior to the rendering of a final decision on the matter. The employee

shall be provided no less than fourteen (14) days notice of the meeting.

6. The draft notice of findings shall be provided to the Human Resources Department designee for their review and approval. Once approved, the letter of reprimand shall be finalized and signed by the initiating supervisor and their immediate supervisor.

7. The employee shall sign two original notices and be provided an original notice. The employee shall sign an original notice for inclusion into the appropriate files. The original notice shall be forwarded, along with the memorandum and associated materials to the Professional Standards Unit for filing.

8. The original notice shall be forwarded to the Human Resources Department for inclusion into the employee's City of Peoria Personnel File, a copy shall be placed into the employee's Police Department Employee File (4006), and a copy provided to the employee's immediate supervisor.

9. Once the pre-disciplinary meeting has occurred, the Lieutenant/manager or Deputy Chief of Police shall render their decision in written form to the employee. The employee shall be provided a Notice of Discipline – Intent to Suspend within fourteen (14) calendar days of the pre-disciplinary meeting. The notice shall detail the dates and times that the employee is to be suspended from duty without pay, along with any other requirements the employee is to be made aware of.

10. If the employee believes that the discipline/corrective action was not within the regulations, policies, or the established guidelines of the City of Peoria and the Peoria Police Department, the employee may request that the Chief of Police review the action taken. The determination of the Chief of Police is final and may not be appealed in accordance with the established Personnel Administrative Regulations of the City of Peoria. The employee must complete a memorandum through their chain of command to the Chief of Police, requesting that a meeting be scheduled to review the discipline/corrective action administered. The Chief of Police may schedule a meeting with the employee and their chain of command and review the action or the Chief of Police may make a determination based on a review of the record.. The Chief of Police shall provide a memorandum with his determination to the employee within fourteen (14) calendar days following the review meeting or a review of the record.

H. If the recommended discipline/corrective action is for a suspension from duty for a period of time greater than two (2) days, the procedures will be accomplished as outlined within the City of Peoria Personnel Administrative Regulations.

XV. PROBABLE CAUSE/CRIMINAL ACT INVESTIGATIONS:

A. Whenever there is probable cause to indicate an employee may have been involved in the commission of a crime, the supervisor receiving the information shall advise their Deputy Chief of Police through the Chain of Command and request a decision from the Chief of Police as to which of the following alternatives will be appropriate, as it relates to an administrative investigation process: (This shall not preclude a peace officer from taking the required enforcement action.)

1. Immediate notification of the Criminal Investigations Bureau.
2. Immediate arrest of the employee without a warrant.
3. Arrest of the employee after a warrant is obtained.
4. Defer enforcement action pending further investigation.
5. Issuance of a citation.
6. Referral to another agency for action.

XVI. CITIZEN'S COMPLAINTS AGAINST EMPLOYEES:

A. Purpose: All complaints against the Peoria Police Department or its employees shall be documented, investigated and filed for the purpose of protecting the integrity of the Department and its employees and to instill public confidence in the Department. (82.2.2.b)

B. Definition: For the purpose of this Policy, a citizen's complaint is defined as a formal allegation of misconduct or wrongdoing by the Peoria Police Department, or by a Peoria Police Department employee, when such conduct amounts to a violation of a City ordinance, a county, State, or federal law, a City of Peoria regulation, or a Peoria Police Department regulation, and when such violation, if sustained, could result in disciplinary action against the employee. This includes the commission of any prohibited act or the omission of any act that is required. Complaints lodged by Peoria Police Department employees will be investigated in accordance with this order. The procedures for registering a complaint against an employee will be made available to the community through the Citizen's Information Brochure. The brochures will be available in the front lobby of the Police Department and shall be updated as needed. (52.1.12)

1. Citizen's complaint reception procedure: All complaints will be immediately referred to an on-duty first line supervisor. If the first line supervisor is not available, the complainant shall be referred to the on-duty lieutenant or

bureau manager. If these supervisors are not available the complainant will be referred to the Professional Standards Unit. The supervisor will discuss the matter with the complainant and if the complaint cannot be satisfactorily resolved through discussion, the supervisor will record the complaint on an Administrative Complaint Control Form (ACCF) and have the complainant sign the form. The supervisor who receives the original complaint shall tape record the complainant's statement, if practical. The tape recording will then be forwarded with the original ACCF copy through the chain of command to the Chief of Police. These requirements shall be met on every formal complaint received from persons not employed by this Department. (26.1.5) (52.1.1.a)

a. The supervisor receiving the complaint shall advise the complainant that knowingly providing a false statement to a police officer is a misdemeanor crime, and that if the allegation was proven false, prosecution may be sought. (26.1.5)

b. In the event a citizen refuses to sign a complaint against a Peoria Police Department employee, the Administrative Complaint Control Form will be forwarded to the Chief of Police. The Police Chief will determine if the allegation warrants an investigation, and thereby may initiate an administrative investigation or determine that the supervisor of the employee handle the matter as an informal complaint as defined herein. If the Chief of Police does not initiate an investigation, the ACCF will be forwarded to the Professional Standards Unit, and will only index the nature of the complaint and the complainant's name. The accused employee's name will not be indexed.

2. On the scene complaints against employees: When an employee is accused of any misconduct, such as taking money or property from another, or of an assault upon a person who has been arrested or stopped for interrogation, the following procedures will be followed:

a. The employee will immediately call their supervisor to the scene.

b. The supervisor will immediately conduct a thorough preliminary investigation of the allegation. (26.1.5)

c. The supervisor will notify their Deputy Chief of Police via their chain of command.

d. The Deputy Chief of Police, with approval of the Chief of Police, may notify the Professional Standards Unit for disposition.

e. If a formal investigation is warranted, the employee will receive a verbal notification of the investigation. A written notification will be provided to the employee as soon as practical.

f. If required, as soon as possible, the supervisor shall complete an Administrative Complaint Control Form and have the complainant sign the form.

3. Complaints against off-duty employees, normal business hours: Complaints received by an on-duty supervisor during normal business hours concerning an off-duty employee will be recorded on the Administrative Complaint Control Form. The supervisor will have the person making the complaint sign the complaint form. The form will be directed through the chain of command to the Chief of Police.

4. Serious complaints against off-duty employees, other than normal business hours: Serious complaints (aggravated assault, theft, etc.) will be directed to the on-duty supervisor who will evaluate the complaint to determine if immediate action is warranted. The supervisor may initiate an immediate investigation. A completed Administrative Complaint Control Form (signed by the person making the allegation) will be forwarded to the employee's Deputy Chief by the next business day. The supervisor shall obtain the Complaint Control Number from the Professional Standards Unit or the designee as soon as possible, and record the number on the form. (52.1.1.a)

5. In exigent circumstances, the Chief of Police may commence an immediate investigation by the Professional Standards Unit, or the designee.

XVII. SUPERVISOR RESPONSIBILITIES:

A. Supervisors will assume the duties and obligations of their rank in the investigation of employees under their command to discover misconduct at its earliest stages. Supervisors will not look to higher authority to initiate investigations and/or discipline or corrective action when the employee involved is within the scope of their own authority and responsibility. (52.1.1.a) (26.1.5) A supervisor must initiate an administrative investigation once the supervisor believes the allegation of misconduct may result in any disciplinary action as described by Departmental Policy or City of Peoria Administrative Regulations. At this point, all the requirements of this policy shall be adhered to. (26.1.5)

B. A supervisor may immediately remove from duty any employee who is unfit for service, or has committed any serious violation of any law, regulation, rule, policy, order, or directive. The employee shall remain at their duty station until authorization is received, via the chain of command, from the Chief of Police to suspend the employee pending the completion of an investigation. (26.1.5) (52.1.8) A supervisor may immediately remove from duty any employee who is unfit for service, as a result of a regulation, rule, or policy violation for the safety or well being of the employee. The supervisor may take the appropriate action to ensure that the unfit employee's safety and well being is protected.

C. When taking Complaints or considering initiating discipline/corrective action the supervisor must consider:

1. Determine the validity of the complaint/allegation.
 - a. Were any laws violated?
 - b. Were any regulations, Policies, or Procedures violated?
 - c. Is the complainant credible?
 - d. Is there a documented incident?
 - e. Are there supporting facts to the allegation?
2. Was a Departmental employee involved?
3. Was the employee acting within the scope of their duties?
4. Does the complainant have a specific agenda?
5. Determine if the situation is an actual complaint or misunderstanding.
6. Determine what type of action the matter requires.
7. Ask the complainant what type of resolution is desired.

D. Investigating Supervisor's Responsibilities: Supervisors in charge of administrative investigations shall comply with the following: (26.1.5)

1. May require a written statement from the involved employees. If an interview of the involved employees is necessary, the interview will be tape recorded.
2. Shall take statements from all witnesses and involved parties if necessary and whenever possible.
3. Shall tape record all interviews with complainants and non-employee witnesses, if possible. If this cannot be accomplished, the reasons shall be documented within the investigative report.
4. Shall not furnish originals or copies of misconduct investigations to employees with the following exceptions: Supervisors shall allow the employee to read or obtain copies of their own memos or statements.
5. The assigned investigator shall not discuss administrative investigations with anyone, without the permission of the Chief of Police.

E. Supervisors in charge of administrative investigations may comply with the following: (26.1.5)

1. May require that each employee involved in the investigation submit to the taking of photographs if those currently on file with the Police Department are unsuitable or do not reasonably depict the current appearance of the employee. (52.1.7.b)

2. May require that each additional employee participating in the investigation prepare and submit an individual written report of all facts of the incident known to the employee.

3. May record reactions and statements of those present when statements are read to the accused when applicable.

4. May require that an employee involved in an administrative investigation participate in a lineup for identification purposes. NOTE: This procedure will only be used with the prior approval of the Chief of Police. (52.1.7.c)

5. May require an employee to submit financial disclosure statements, providing such statements are directly related to the investigation. (52.1.7.d)

6. All questions directed to the employee under interrogation or interview shall be asked by or through no more than two interrogators or interviewers at a time (any exceptions must be agreed to by the Chief of Police and involved employee).

7. Recording: The employee may mechanically record such interview. The investigating supervisor shall mechanically record such interview. If deemed appropriate by the Chief of Police, the Department shall transcribe any mechanically or electronically recorded interview for the purpose of verifying the accuracy of such interview. If requested, the employee and investigating supervisor shall sign the transcription to attest to its accuracy.

8. The supervisor of the employee against whom the complaint was made will be responsible for investigating the complaint unless otherwise directed by the Chief of Police. (26.1.5) (52.1.1.a)

9. The investigating supervisor may contact the Professional Standards Unit, or the designee, to determine if the complainant has filed previous complaints against Department employees, and if any similar complaints have been filed against the involved employee.

10. The investigating supervisor shall notify all involved employees and the complainant (if applicable) as outlined within this policy as to the status of the investigation, documenting the notifications on the Mandatory Administrative Investigation Standards Checklist, Form 150-

010, and documented within the narrative portion of the investigative report. (52.1.5.b)

XVIII. ADMINISTRATIVE COMPLAINT CONTROL FORM (ACCF):

A. The Administrative Complaint Control Form shall serve as the cover sheet for all administrative investigations as directed by the Chief of Police. The form shall be approved by the Chief of Police and all forms issued through the Professional Standards Unit. The ACCF shall not be required for discipline/corrective action matters handled by the immediate supervisor.

B. The completed form shall be forwarded through the initiating supervisor's chain of command to the Office of the Chief of Police, with a brief narrative as to the subject matter of the complaint or allegations. The initiating supervisor and each level of the chain of command shall recommend as to the method that the complaint or allegation should be addressed. (i.e., formal administrative investigation, supervisory level investigation, activation of the Personnel Performance System, etc.).

C. Upon receipt of the ACCF, the Chief of Police shall forward the ACCF to the Professional Standards Unit. The Professional Standards Unit will file the form and use a file or tracking number system that will enable them to ensure that the complaints are being properly and promptly investigated. The system will also provide for easy retrieval of the complaint from the files.

1. The ACCF will be forwarded to the Professional Standards Unit, or the designee, through the Chief of Police. The Professional Standards Unit, or the designee, will review the ACCF and determine if they can assist with the investigation. (52.1.1.c)

2. All forms will be cross-indexed in the Complaint Control Roster by name of complainant and name of the employee(s) against whom the complaint was made. This form will be filed in such a manner that if the completed investigation has not been forwarded to the Chief of Police within 60 calendar days of the receipt of the original complaint, an inquiry can be sent to the investigator's Deputy Chief requesting the status of the investigation.

D. Upon completion of the investigation review process, the ACCF will be forwarded to the Chief of Police along with any other related documentation. The original will then be filed with the Professional Standards Unit.

E. Administrative Complaint Control Form Routing

1. After the initial complaint has been recorded on the Administrative Complaint Control Form, the supervisor who originally received the complaint will sign

the ACCF and forward the copies through the chain of command to the Chief of Police. After the Police Chief's review and approval, a Complaint Control Number will be obtained, and the Chief shall assign an investigator. (52.1.1.c)

2. Every effort will be made to determine the identity of the involved employee. If the identity of the employee cannot be determined, the Administrative Complaint Control Form will be forwarded to the Chief of Police for filing with the Professional Standards Unit.

F. Administrative Investigation and Discipline/Corrective Action Reporting Format: The format for an administrative investigation and discipline/corrective action reporting format shall utilize a format approved by the Chief of Police.

XIX. DISCIPLINARY/CORRECTIVE ACTION RECOMMENDATIONS:

A. If an investigation sustains an allegation against an employee, the supervisor of the employee will decide and/or recommend the appropriate disciplinary/corrective action they feel should be taken, as stated within this policy. (26.1.5)

B. The supervisor shall provide the following information regarding the employee's past disciplinary history if the discipline/corrective to be administered is to be greater than a letter of reprimand:

- 1. The date of any previous incidents.
- 2. The allegation(s) of the investigation leading to the disciplinary action taken.
- 3. The type of discipline received.

C. The supervisor shall provide a three-year history rating of the performance ratings of the employee, if applicable.

D. The supervisor shall document the presence of any incidents of exceptional performance of duty by the employee, recorded within the employee's Department personnel file.

E. The supervisor shall close allegations cases with one of the following categories and annotate the finding within the ACCF in the section so marked: (52.1.9)

- 1. Unfounded: The allegation is false or did not occur as reported.
- 2. Exonerated: The incident occurred but was lawful, proper, and within policy.
- 3. Not Sustained: There is insufficient evidence to clearly prove or disprove the allegation(s).
- 4. Sustained: The allegation was true.

5. Not Involved: The employee was misidentified or not involved in the alleged incident.

6. Non Cooperation: The complainant failed to cooperate fully with the investigation.

7. False Complaint: A complaint is a "False Complaint" when the investigation reveals that the allegation(s) were made with the malicious intent to impeach the honesty, integrity, or reputation and/or to cause injury, duress or hardship to the employee(s) of the Peoria Police Department, or the City of Peoria. (Any investigation where the allegation(s) are closed with a finding of a false complaint, and with the approval of the Chief of Police, shall be submitted to the appropriate prosecuting agency for review of possible criminal charges. A member of the Police Department management shall accomplish the submittal preparation.)

F. If the investigating supervisor identifies a policy failure, they shall include in the recommendations that the policy be revised, along with providing a suggested revision.

G. After the investigation has been completed, and the Findings Letter has been issued, if requested by the employee who received discipline or corrective action, the investigating supervisor shall review the investigation with the accused employee and answer questions in regard to any information in the investigative report. The accused employee shall be allowed to review the entire investigative report, excluding those portions not subject to disclosure. (26.1.5)

H. Findings and Recommendations:

If the investigation is conducted by the Professional Standards Unit or the designee, the report will record the facts of the case, and conclusions of those facts obtained. The Professional Standards Unit, or the designee, will make recommended findings and no recommendations. The report will be forwarded through the involved employee's chain of command who each will complete the findings and recommendations, to be decided in accordance with this policy.

XX. ADMINISTRATIVE INVESTIGATION FORMAT:

To ensure uniformity and understanding, the format presented below will be used for administrative investigations conducted at the direction of the Chief of Police. Disciplinary/corrective action matters conducted by first line supervisor, managers and lieutenants, and Deputy Chiefs of Police shall be completed in a format directed by the Chief of Police. The first line supervisor, managers and lieutenants may utilize the format described herein if they determine the need to provide the specified information.

A. The Administrative Complaint Control Form (ACCF) will serve as the cover document for the investigation. The investigating supervisor will ensure that the face sheet of the form is fully completed. It is not necessary to duplicate the information already listed on the face sheet. The receiving supervisor shall sign, print, and date the ACCF in the portion titled "Received By." The investigating supervisor shall sign the ACCF on the line so marked. The reviewing supervisor, or next level of authority, shall sign the second page of the ACCF on the line so marked.

B. The following format will be typed and attached to the Administrative Complaint Control Form:

A.C.C.F.

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ADDITIONAL EMPLOYEE(S) INVOLVED:

List any other employees involved in the investigation that were not listed on the ACCF.

ADDITIONAL PERSON(S) INVOLVED:

List any other persons involved in the investigation that were not listed on the ACCF.

ALLEGATION(S):

List the allegations of the investigation. Each allegation must be specifically stated, along with the specific order, rule, regulation, or directive which was alleged to have been violated.

ATTACHMENT(S):

List any attachments included with the report, such as written statements, police reports, Department vehicle/employee accident reports, etc.

EXHIBIT(S):

List any photographs and or audio/video tapes related to the investigation. These will be itemized within the investigative file, but submitted in a separate file/folder/notebook.

SYNOPSIS:

A brief statement describing the incident listing date, time, location, the complainant, the involved employee, and the allegation.

NARRATIVE:

A chronological narrative listing the sequence of events that the investigating supervisor completed in regard to the investigation.

Once the interview of the employee(s), complainant(s), or witness(s) have been tape recorded, the information/statement will be accurately paraphrased. Interview(s) will not be transcribed and/or quoted unless it has specific merit and bearing to an issue of fact in the investigation. As with all other documentation, tape recordings will be forwarded with the original report.

List interviews with the complainant(s) by the date, time, name, and location where the interview was conducted. EXAMPLE: On November 17, 1999, at 1900 hours, I interviewed the complainant, Mr. John Doe at 8343 West Monroe Street.

FINDINGS/CONCLUSIONS:

The investigating supervisor's conclusions and findings to each allegation, i.e., Allegation One-Not Sustained, along with the conclusions which substantiate the finding. (52.1.9)

RECOMMENDATIONS: (26.1.4.c)

Upon completion of the investigation, the supervisors within the employee's chain of command shall make recommendations as to the corrective action needed, if any, in regard to the findings of each allegation. Any exceptions to this shall be approved by the Chief of Police. All recommendations must be based upon the factual data obtained during the investigation. Recommendations may not be based upon unsupported opinions or assumptions.

In cases where the complaint has been unfounded, exonerated, not sustained, or non cooperation, it is not necessary to list the employee's past record. In cases where the complaint was sustained, and the recommended discipline is a formal letter of reprimand, suspension, demotion, or termination, the employee's past record, discipline, commendations, and past performance evaluations will be listed as outlined in this order. All discipline that resulted in a letter of reprimand, suspension, or demotion, regardless of when it occurred, will be listed. However, if the employee has requested the reprimand be removed from their file after one year, which was approved, and no similar subsequent violations occurred, the reprimand will not be listed within the disciplinary section of the narrative. This does not preclude the incident from being listed within the performance section of the narrative, provided the matter was documented within the employee's annual performance appraisal.

While considering the recommendations for the employee, the supervisor will consider the employee's past record and keep the objectives of the Police Department in mind.

INVESTIGATING SUPERVISOR'S SIGNATURE:

The investigating supervisor's signature.

Peoria Police Department
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