



Use of Force Recommendation 51

Guidance for:

*Including Guidelines on Which Types of
Complaints Warrant a Formal Investigation*



Agenda

- Recommendation Highlights
- Current Process/Policy
- Gap Analysis
- Industry Trends
- Discussion Points
- Feedback
- Final Guidance



Recommendation Highlights

- *Under DPM 1.4.25 Professional Standards, which states “all complaints against MPD members **shall** be accepted and **may** be entered in the BlueTeam and IAPro databases (emphasis added).*
- *Allowing this flexibility in entering complaints into BlueTeam can make tracking officers’ patterns of behavior difficult and could hinder opportunities for the MPD to make an “early intervention” to counsel officers and help them adjust their behavior to correct minor problems.*

Current Policy – DPM 1.4.10 (Revised 2/5/2018)

Complaints may be classified as a **Department Inquiry** or a **Department Investigation** (Notice of Investigation Served). The required documentation mostly the same.

Department Inquiry Protocols

- When a complaint is received by a subject member's Command, which **does not** warrant a formal Department Investigation. Such factors could include;
 - Complaint resolved to complainant's satisfaction.
 - Complaint alleging conduct which can clearly be shown did not occur (i.e.: On-officer camera video or any other source and no interview needed.)
 - Complaint alleging conduct that clearly does not violate law, ordinance, or policy.
 - Professional Standards Section lacks jurisdiction
 - Untimely complaints of minor misconduct.
 - Minor complaints where the complainant is unavailable (required to document efforts to contact complaint)
 - Complaint was previously adjudicated.

Department Inquiry Review Protocols

- At the completion of the review, if the investigator determines the allegations will remain an inquiry, the investigator shall:
 - Document their findings in a memo, including the allegation (s), complainant and witness interviews, and summary. Attach the memo in Blue Team.
 - Recommend the allegation be closed as an inquiry. Administratively Closed.
 - Only a short synopsis will be written in the summary section of Blue team.
 - Attach all documents, if applicable, to Blue Team.
 - Forward the Blue Team inquiry and all attachments to their supervisor.

Gap Analysis

- Current Policy

- DPM 1.4.25 Professional Standards, states “all complaints against MPD members shall be accepted and **may** be entered in the BlueTeam and IAPro databases

- Recommendation

- Revise DPM 1.4.25 to require supervisors who become aware of misconduct to enter the complaint into BlueTeam/IAPro
- Proposed language;
 - “All complaints against MPD members shall be accepted and **will** be entered in the BlueTeam and IAPro databases”

Industry Trends

Phoenix PD - Operations Order 3.18

- If an employee is to receive discipline of a written reprimand, suspension, demotion or termination.....a supervisory investigation/citizen complaint investigation must be completed
- An investigation is not required when a coaching/supervisor initiated training or supervisory counseling is conducted/issued to improve performance
- The employee's supervisor will document the performance issue/minor policy violation and corrective implemented in the supervisor notes.

Tucson PD - Administrative Policy 3100 Internal Affairs

- It is the policy of the Tucson Police Department to accept all first-party complaints against employees of the agency made in a timely manner. Complaints of a non-serious nature that have not been made within 180-days of the incident will not be accepted, unless directed by the Chief of Police or the OIA Commander. Anonymous complaints present significant investigative challenges but shall be accepted. The OIA commander shall review each anonymous complaint and make a recommendation to the Deputy Chief of Police regarding feasibility of further investigation. The Deputy Chief of Police shall decide if the anonymous complaint shall be pursued or closed.

Seattle PD - 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations

- Supervisors Will Investigate or Refer Allegations of Policy Violations Depending on the Severity of the Violation
- All allegations of serious policy violations will be referred to OPA for investigation.
- Minor policy violations (allegations of policy violations that do not rise to the level of "serious") must still be investigated by the chain of command.

Los Angeles Police Department – Disciplinary Procedures 811 – Accepting Complaints

- Regardless of whether a consensual resolution of the complaint is achieved by a supervisor through ACR (Alternative Complaint Resolution) or otherwise, all complaints shall still be recorded, investigated, and classified.

Discussion Points

Pros

- Tracks officer's patterns of behavior (desirable or undesirable)
- Early intervention
- Tracks habitual complainants
- Transparency

Cons

- Supervisor workload/time to upload in BlueTeam and review

Feedback/Committee Comments

- *Helen Hunter supports the recommendation.*
- *Michael Scott asked about (peer) employees referring complaints to a supervisor. There is a stipulation in policy stating when a member becomes aware of misconduct of another member, they have a responsibility to report it to a supervisor. This will also be reflected in the forthcoming revised discipline policy.*
- *Commander Bellows asked about capturing the positive actions in BlueTeam, noting outside workstation files there may be no historical record of the good work. Professional Standards Senior Program Assistant is working on a proposal to capture positive feedback in Blueteam/IAPro.*

Final Guidance

- Revise DPM 1.4.25 to require supervisors who become aware of misconduct to enter the complaint into BlueTeam/IAPro
- Proposed language;
 - “All complaints against MPD members shall be accepted and **will** be entered in the BlueTeam and IAPro databases”



Discussion