

Source:

TO: City Council

FROM: City Manager and Staff



DATE: March 26, 2007

RE: Internal Affairs & Administrative Review Process

Police

At the direction of the Council, the Police Department contracted with Dr. Aaron Thompson and three associates to review our current Internal Affairs and Administrative Review process.

They were asked to identify strengths and weaknesses in our current process, and to compare our process with the industry's current best practices. Based on this review, Dr. Thompson has included recommendations for significant changes to our current system.

_____ Fiscal Impact

YES

NO

We have not made substantive changes in our process for twenty years. During this time our agency has grown significantly and the industry's best practices have changed. It should be noted that Dr. Thompson's report addresses our process. It does not suggest that current disciplinary outcomes are an issue.

_____ Other Info.

We believe adopting many of these changes will improve our current process, and enhance the support and trust of the process both internally and externally.

We recommend the Council accept this report, and direct the staff to develop a possible implementation plan for the recommendations.

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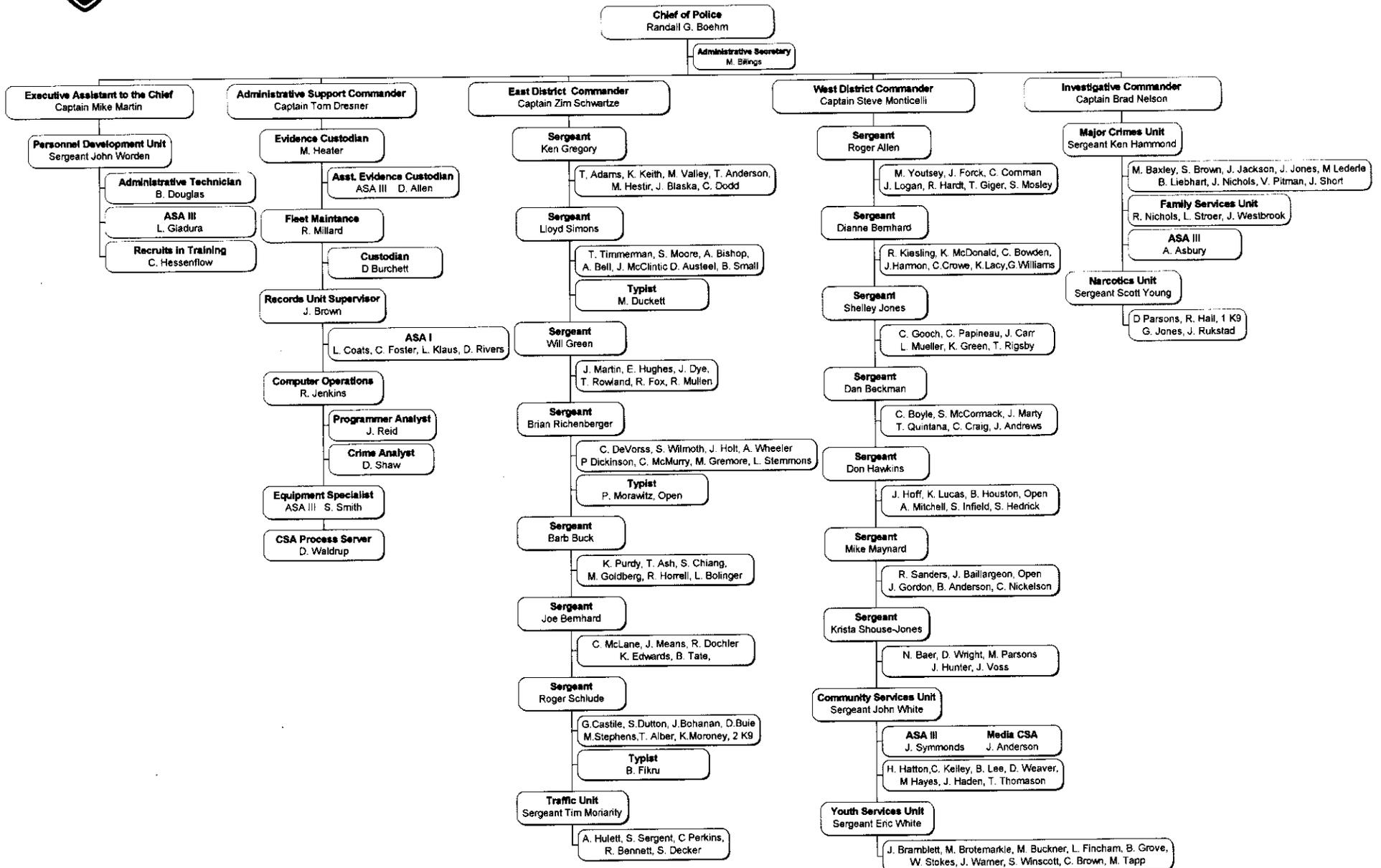
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Columbia Missouri Police Department

February 14, 2007



Police Administration
Administrative Support
Operations Division
Investigative Division



COLUMBIA POLICE DEPARTMENT
600 East Walnut
Columbia, MO
Calea Compliant

File Number: GO-051
Category: General Order
Effective Date: July 29, 2002
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SUBJECT: INTERNAL AFFAIRS PROCEDURES

- INDEX:**
1. Internal Affairs Procedures
 2. Citizen Complaints
 3. Misconduct
 4. Rule Infractions
 5. Criminal Violations
 6. Supervisory Reviews

INTRODUCTION

A. Justification for Internal Affairs System

The security of the City of Columbia, its citizens, and the integrity and reputation of the Columbia Police Department, depend to a great extent, on the manner in which members of this Department perform their varied and difficult duties. The performance of such duties involves those members in all manners of contacts and relationships with each other and the public. Out of such contacts and relationships may arise questions concerning the propriety of the actions of departmental members. Such questions require prompt investigation. Agencies having an internal affairs function will have the capability to respond to allegations of misfeasance, malfeasance, and nonfeasance by employees, and to complaints about the response to community needs, thereby instilling public confidence in the agency.

B. Prevention of Misconduct

It is the policy of this department to emphasize the prevention of misconduct as the primary means of its reduction and control. Although disciplinary actions are sometimes necessary, they are of limited value if they obscure organizational conditions such as inadequate policy, poor training, or lax supervision. This department will make every effort to eliminate organizational conditions which may foster, permit or encourage improper behavior by its employees.

C. The Internal Affairs Function

The mission of Internal Affairs is to help maintain the integrity of the Police Department and to improve the quality of police services. These objectives are met in the following ways:

First, by delineating rights, in order to ensure fair treatment for complainants and accused alike. By this internal system, objectivity, fairness, and justice are fostered by an intensive, impartial, and thorough review procedure.

Second, through the provision of a formal system for handling citizen complaints, citizen confidence in the integrity of police actions is increased. This in turn, both engenders compliance and develops the community support necessary for the Department to fulfill its mission.

Third, disciplinary procedures aid supervisors and commanders in ascertaining both the degree of personnel compliance and the adequacy of established directives and programs.

D. Internal Affairs Rules

In order to maintain the integrity of this system, precise rules governing the process for receiving, investigating and adjudicating misconduct complaints are provided and enforced.

1. Structure and Operation of Internal Affairs

The following personnel, in the following order shall constitute the hierarchical organization of the basic Internal Affairs operation:

Chief of Police
Internal Affairs Commander
Internal Affairs Investigators

The Internal Affairs Commander will maintain a roster of a minimum of five (5) Investigators in conformance with the following selection guidelines:

The Chief of Police will assign a Staff Officer to serve as Internal Affairs Commander. Such commander shall have immediate control and supervision of internal investigations and shall maintain a roster of a minimum of five (5) investigators in conformance with the following guidelines.

1. Members will be department commissioned officers, each with at least three (3) years on the force.
2. The roster shall include at least two (2) Sergeants, (4) Patrol Officers and (1) Captain.
3. Selection to the roster shall be randomized.
4. Selectees may have their tour of duty deferred if they show good cause.

The Commander of Internal Affairs will, for each criminal case, appoint a member from the roster to act as Chief Investigator. Such appointment shall be made without regard to rank.

The investigators shall operate under the following set of guidelines:

1. The Chief Investigator shall appoint all additional members of his Investigative Team from the roster.
2. Each investigation shall require a minimum of two (2) investigators.
3. Except in those extreme cases where to do so would clearly jeopardize the effectiveness of the investigation, officers shall be removed from their regular duties while actively serving as investigators.
4. Investigators shall act with the full authority of the Chief of Police.
5. Investigators shall serve without regard to rank.
6. An officer appointed to the roster shall serve for a period of three (3) months.
7. An officer who is assigned to an active case when his/her term of appointment expires shall continue his/her Internal Affairs duties until that case is completely resolved, but shall not be assigned any additional cases for that tour of duty.
8. An officer who has completed a tour of duty shall not be appointed to the roster again until all officers of the same rank have served.
9. In the case of officers who undergo a change in rank, the following rules shall apply:
 - a. If the change occurs during a tour of Internal Affairs Duty, the officer shall be placed in the group of those having served in the new rank.
 - b. If the change occurs otherwise, the officer shall be placed in the group of those not having served in the new rank.

II. INITIATION OF COMPLAINTS

A. Sources of Complaints

Complaints shall be accepted from any source, whether from within or without the department and whether from anonymous sources, juvenile, or persons under arrest in police custody.

B. Method of Complaint

Complaints may be made in person, by mail, or over the telephone. Individuals will, however, be encouraged to submit their complaints in person so that as complete a report as possible is obtained. In special cases, departmental personnel will take the report from a complainant outside the department at his or her place of residence, place of business, hospital, etc. If the complainant desires to, he/she may put their complaint in writing and sign it.

C. Investigation of All Complaints

It is the policy of the Police Department that all allegations of employee misconduct be appropriately investigated and promptly adjudicated.

D. Internal Affairs Office Hours

The Internal Affairs Unit is open to all persons who wish to file a complaint. During normal office hours it is located in the Police Department, Office of the Executive Assistant to the Chief and operates weekdays from 8:00 AM to 5:00 PM. During weekends and evenings supervisory personnel are directed to accept complaints.

E. Informing the Public on Internal Affairs Procedures

Police Department employees will inform the public of the procedures to follow in registering complaints against the Police Department or its employees:

1. Upon receiving a reasonable request it shall be the duty of each employee to explain the procedure of lodging complaints.
2. The Internal Affairs Annual Report shall summarize the types and dispositions of all complaints received. Names of complainants and accused employees shall be omitted.

F. Solicitation of Complaints

It is not the policy of this Department to solicit complaints.

G. Complainant Feedback

Any identified individual who files a complaint shall receive a copy of the Report of Inquiry Form for that complaint. In all cases, identified complainants shall receive a notification of the conclusion concerning the complaint and whether corrective action was taken by the department at the closure of the case.

Employee Feedback

Written notification stating the final disposition of each complaint or supervisory review will be forwarded via the chain of command to each employee about whom a complaint is initiated.

III. CHARACTER OF COMPLAINTS

Private Life and Effectiveness of Service

It is the policy of this Department, that the private life of an employee is his/her own concern and not that of the Department, provided that his/her private life does not adversely affect the effectiveness of his/her service to the Department or through the Department to the community as a whole.

B. Code of Conduct

It is essential that employees in any public service, and especially in the Police service, take care to perform their duties to the best of their ability so that:

1. Tax monies shall not be wasted, and
2. The utmost shall have been done to preserve the public peace.

Inherent in this goal is the necessity to respect the rights of all citizens and to understand and be guided by well-thought out policies and procedures pertaining to both professional and personal conduct.

C. Complaint Categories

Complaints will fall into one or both of the following categories:

1. Criminal Violations: any act that is defined as a crime by statute or ordinance.

Criminal Violations would include, but are not limited to:

- a. Bribery
- b. Theft
- c. Perjury
- d. Narcotic violations
- e. Malfeasance of office
- f. Use or threatened use of excessive force
- g. Improper or unjustified arrest
- h. Improper entry or the use of excessive force in entry
- i. Improper or unjustified search and/or seizure of evidence
- j. Harassment, by the taking, failing to take, or method of taking police action, predicated upon factors such as race, attire, sex, age, or other factors which are in the instance, irrelevant

2. Rule Infractions: any violation of the Directives of the Department and/or the Rules, Regulations, Policies or Procedures of the City of Columbia.

Rule Infractions would include but are not limited to:

- a. Public bearing, gestures, language, or other actions which:
 - (1) are patently offensive or inappropriate,
 - (2) give the appearance of conflict of interest, misuse of influence, or lack of jurisdiction or authority

- b. Disobeying a Direct Order
- c. Drunkenness on Duty
- d. Sleeping on Duty
- e. Neglect of Duty
- f. False statements
- g. Malingering
- h. Untidiness
- i. Tardiness
- j. Faulty driving
- k. Failure to follow procedures

These lists are not intended to be exhaustive but are merely to indicate types of complaints as they would fall into the two categories.

IV. COMPLAINT PROCEDURES

The authority and responsibility of police personnel for Complaint Investigations against employees are as follows:

A. Procedure for Rule Infractions

1. If the complaint is received by other than the immediate supervisor during normal office hours, the complaint should be referred directly to Internal Affairs. If it is not during normal office hours, a Supervisory Review Form should be forwarded to Internal Affairs for processing.
2. If the complaint is received by the immediate supervisor he/she will:
 - a. Complete a Supervisory Review Form and forward an information copy thereof, via the chain of command, to the Internal Affairs Commander for issuance of a complaint number and entry into the Complaint Register.
 - b. Perform an investigation into the complaint, interviewing the employee and all witnesses, and reviewing all relevant reports and forms.
 - c. Either suspend or not suspend the employee as appropriate.
 - d. Prepare a summary of the investigation performed and the conclusions thereof, as well as the supervisor's recommendation for corrective action and forward this to the Internal Affairs Commander through the regular chain of command.
3. The Internal Affairs Commander will then:
 - a. Verify the Complaint Number and update the Complaint Register; and
 - b. Review the complaint file for completeness.
4. Notify the employee and the complainant in writing of the Final Disposition for each complaint.
5. If the finding is Not Sustained the case file will be retained in Internal Affairs.
6. If the finding is Sustained:
 - a. The approved corrective action will be taken by processing the accompanying City of Columbia Personnel "Notice of Remedial Action" Form and retaining it in the employee Personnel File, and the case file will be retained in Internal Affairs;

- b. ^{or} If the accompanying "Notice of Remedial Action" Form is not completed, the Case File will be retained in Internal Affairs and no record of the incident will be retained in the employee's personnel file.
7. Should the employee wish to appeal the finding and/or action of the Department, the standard Personnel Appeals Procedure shall be followed.
8. All Internal Affairs files and reports shall be maintained in a secure area by the Internal Affairs Commander. Any release or review of these documents is prohibited unless authorized by the Internal Affairs Commander or Chief of Police.

B. Procedure for Criminal Violations

If the complaint alleges a Criminal Violation (including human rights violations), the District Commander or the Internal Affairs Commander will first determine if the complaint contains factual information sufficient to warrant initiation of a Criminal Investigation, and if so:

1. Complete a Citizen's Complaint Form or a Supervisory Review Form as circumstances require and forward it through the Chain of Command to the Internal Affairs Commander.
2. Attempt to contact the following personnel in the following order until one of them is reached.
 - a. The Internal Affairs Commander;
 - b. The Chief of Police (or in his absence the Acting Chief);
 - c. The Division Commander of the accused employee.
3.
 - a. In the event that probable cause exists that a crime has just occurred, and that a CPD employee has committed the crime, an on duty sergeant or captain shall be notified immediately. If a supervisory officer determines that an arrest should occur then the supervisory officer will assume immediate responsibility for the arrest and all evidence that led to the probable cause. The Internal Affairs Commander will be notified as soon as practical.
 - b. In the event any member of the department is notified of an employee that is or has been arrested in another jurisdiction, that individual will immediately provide all known facts to the Internal Affairs Commander.

In either of the above two scenarios (a or b) the arresting officer will be a witness in both the criminal and the internal investigation. The arresting officer will not serve as an Internal Affairs Investigator on this case.

4. Suspend or not suspend the employee as is appropriate.

The Internal Affairs Commander will then:

1. Assign a Complaint Number and enter the complaint into the Complaint Register.
2. Assign a Chief Investigator for the case.
3. Provide the complainant, if known, with a copy of the Citizen's Complaint Form.

Internal Affairs Investigators will then:

1. Investigate the complaint, maintaining close liaison with the appropriate Prosecuting Attorney.
2. Prepare a Complaint Investigating Report. This report will include the names of all known employees being investigated, victim, complainants, and witnesses. It will list all of the allegations and a brief synopsis of the investigation. The report will contain all information on evidence collected, statements taken, interviews conducted, and other relevant information. The report will list the finding (sustained, not sustained) for each allegation investigated.
3. Present such report to the appropriate Prosecuting Attorney for the opportunity to file or decline criminal charges.
4. Forward such report to the Internal Affairs Commander.

The Internal Affairs Commander will then:

1. Review the Complaint Investigation Report for completeness.
2. Appoint and convene a Complaint Review Board.
3. Forward the entire case file, including the recommendations of the Complaint Review Board, to the Chief of Police along with his or her own recommendations.
4. The Chief of Police may forward the case file through the employee's chain of command for recommendations.
5. The Chief of Police will then either Approve or Modify the recommendations of the Complaint Review Board and the Internal Affairs Commander in light of the entire case file including recommendations from the chain of command.

C. Internally Initiated Supervisory Reviews

1. A supervisor having reasonable grounds to believe that any employee is participating in or has participated in a violation of Department Directives, City Rules and Regulations, Ordinances; or State or Federal laws, shall exercise his/her authority to prevent such future events from occurring if, in the opinion of the supervisor, such action is appropriate and necessary.
2. The supervisor having such knowledge and/or taking such action shall initiate a Supervisory Review Form and forward an information-copy to the Internal Affairs Commander for numbering and registering. The supervisor, if other than the immediate supervisor of the suspected employee, shall route said form to the immediate supervisor.

3. The immediate supervisor shall proceed to review the allegation and will continue or not continue any suspension as is appropriate.
 - a. If the allegation is a Rule Infraction, the immediate supervisor will complete the investigation and take such action as is appropriate to dispose of the complaint. Completed dispositions shall be forwarded through the chain of command to the Internal Affairs Commander.
 - b. If the allegation is a criminal violation, the immediate supervisor will conduct an inquiry sufficient to establish, or verify the absence of probable cause only. In either event, he/she shall submit his/her findings to Internal Affairs through the chain of command.
4. The Internal Affairs Commander will:
 - a. In the event of no probable cause, register the complaint as Not Sustained and retain the case file in Internal Affairs, or
 - b. In the event of the establishment of probable cause, initiate an Internal Affairs Investigation as outlined in the Procedure for Criminal Violations beginning with the assignment of Chief Investigator, (IV, B, Paragraph 3, Item 2).

D. Duties of the Internal Affairs Commander

The Internal Affairs Commander's duties shall also include the following:

1. Maintenance of a Complaint Register and entering into it the following information for each complaint:
 - a. Log Number
 - b. Complainant's Name
 - c. Description of Complaint
 - d. Date Received
 - e. Complaint Taker
 - f. Chief Investigator Assigned
 - g. Date Cleared
 - h. Disposition
2. Maintenance of the Internal Affairs Files with the following documents for each complaint as appropriate:
 - a. Report of Inquiry Form
 - b. Supervisory Review Form
 - c. Notification of Charges/Allegations Form
 - d. Administration Proceedings Form
 - e. Criminal Rights Form
 - f. Complaint Investigation Report
 - g. Complainant Notification of Disposition Document
 - h. Employee Notification of Disposition Document
3. Notification Duties
 - a. Notify, via the chain of command, the appropriate supervisor of the initiation of each complaint.
 - b. Notify the complainant of the progress of the investigation at various stages.
 - c. Notify the appropriate Division Commander of the approach of Investigative Deadlines.
 - d. Notify the employee in writing, via the chain of

- command, of the Final Disposition for each complaint.
- e. Notify the complainant in writing of the Final Disposition for each complaint.
4. Preparation of monthly reports for dissemination to the Chief of Police on all complaints filed, whether pending or closed.

E. Notification Exception

Such processes of routing, notification and/or procedure shall not apply when the supervisor determines that such will clearly jeopardize the effectiveness of the investigation and said supervisor proceeds with notification of proper authority.

IV. INVESTIGATIVE PROCEDURES

A. Citizen's Complaint Form

In each case of a citizen lodging a complaint or allegation against an employee, the responsible officer will give the citizen an opportunity to sign a Citizen's Complaint Form which will be forwarded to the Internal Affairs Commander (See Appendix B).

B. Supervisory Review Form

In each case of an employee lodging a complaint or allegation against another employee, the immediate supervisor will complete a Supervisory Review form in order to determine the category of offense. This form will be the final documentation for Rule Infractions (see Appendix B).

C. Notification of Charges/Allegations Form

In each case of a complaint or allegation being lodged against an employee, those assigned to investigate the case shall present the accused with a Notification of Charges/Allegations Form (See Appendix B).

D. Administrative Proceedings Form

In cases of non-criminal allegations which consist of Rule Infractions, those assigned to investigate the case shall present the accused employee with an Administrative Proceedings Form (see Appendix B).

E. Criminal Rights Form

In cases of allegations which involve Criminal Violations (including human rights violations), those assigned to investigate the case shall present the accused employee with the Criminal Rights Form (See Appendix B).

F. Liaison With the Prosecutors' Office(s)

In the case of Criminal Violations the investigators will maintain close liaison with both the city and state prosecutors' offices on the matter of filing charges.

G. Employee Rights

Any departmental employee accused of an Infraction or Crime shall have the following rights:

1. Time Limit for Allegations

No complaint or allegation shall be accepted against an employee if it is brought to the attention of the Department beyond the length of time from the incident that is held appropriate by the statute of limitations for criminal violations or the corresponding statute of limitations for civil matters.

2. Notification of Employee

Except in those extreme cases where such notification would clearly jeopardize the effectiveness of the investigation, the employee will be promptly notified, through the chain of command, of any charges or allegations brought against him/her through use of the Notification of Charges/Allegations Form. In all cases, at the termination of the investigation, the accused employee shall be immediately notified through the chain of command of all findings.

3. Malicious Complaints

In cases where the complaint proves to be malicious the employee accused by the complaint shall enjoy the cooperation of the Department in seeking appropriate criminal charges against the complainant and in testimony and provision of evidence in criminal and/or civil court.

4. Confidentiality

All cases, until and unless finally concluded and the appeals process exhausted, shall be CONFIDENTIAL and adequate security precautions will be taken to ensure such confidentiality. The only exception to the confidential nature of such cases shall be by legal requirement. The Chief of Police, or his designate, may release such information as he shall determine is in the best interests of the department and the community.

5. Rules for Interviews:

a. The interview of any department employee shall be conducted at a reasonable hour, preferably when the employee is on duty, unless the urgency of the investigation dictates otherwise. If such interview occurs during normally off-duty time, the employee shall be compensated for that time in accordance with regular Department procedures.

The interview shall take place at some reasonable location designated by the investigating officer, preferably at the Police Department building.

The employee being interviewed shall be informed of the name and rank of all persons present, the nature of the investigation, and the name of all complaining parties, before the interview commences.

A tape recording will be made of all criminal interviews with prior advisement of all parties present. There will be no "off-the-record"

questions during a recorded interview. The interviewed employee shall have the right to record any interview or to purchase a copy of Departmental recordings as he or she may choose provided that it does not interfere with criminal prosecution or rules of evidence.

The interview session shall be for a reasonable period of time, depending upon the seriousness of the allegations. Unless the Chief of Police directs otherwise, a period of two (2) hours shall be the maximum time allowed for any one session of interview.

Reasonable rest periods shall be allowed within the two (2) hour period. Time shall be provided for personal necessities, meals, telephone calls, etc., as are reasonable.

Interviews will be conducted by a team of two (2) investigators.

The employee being interviewed shall not be subjected to any offensive or abusive language nor threatened with dismissal or other disciplinary action. Nothing herein shall be construed as to prohibit the interviewing officer from informing the employee that his/her conduct can be the subject of disciplinary action should the employee refuse to obey a lawful order from the ranking officer. No promise of reward shall be made as an inducement to answering any question. The employee being interviewed shall be asked questions by and through no more than two (2) Investigators.

b. Criminal Investigations

When the employee being interviewed is under arrest or is likely to be placed under arrest as a result of the interview, the employee shall be informed of his/her constitutional rights as per the Miranda decision prior to commencement or continuation of the interview.

At the request of a suspect employee, and prior to any interview, the employee shall have the right to be represented by counsel of his/her choice, who may be present at all times during such interview, but shall not participate in the interview, except to counsel the employee. The employee may request a postponement of the initial interview to contact counsel of his/her own choosing. The interview may not be postponed for more than 24 hours, except by the Chief of Police.

c. Non-Criminal Investigations

When the employee is being interviewed in a non-criminal matter for violation of departmental rules, regulations or orders, he/she will not be advised of Miranda rights. Counsel may be present during the interview, but no conferences will be allowed. The employee shall answer, truthfully, all questions reasonably necessary, narrowly defined, and directly related to that administrative investigation only. The employee will be informed that his/her refusal to answer a

question can constitute grounds for disciplinary action up to and including dismissal, and that unless the employee waives his/her constitutional rights under the Fifth Amendment, answers to such administrative questions cannot be used by the prosecutor to establish his/her case against the employee in a court of law but may be used to impeach the employee if the employee chooses to testify.

When the employee is being interviewed in a non-criminal matter and it becomes apparent that a likelihood exists that the interview may reveal criminal conduct on the part of the employee, the interviewer shall advise the employee of his/her rights under the Miranda decision prior to continuation of the interview.

Should the employee choose to waive his or her rights, the employee shall be informed that the results of the interview can be used by the Department both in administrative and in criminal actions.

6. Administrative Proceedings Form

In all cases which are not criminal in nature the accused shall be presented with the Administrative Proceedings Form.

7. Criminal Rights Form

In all cases which are Criminal, or in which the accused is suspected of criminal actions, the employee shall be presented with the Criminal Rights Form.

8. Duration of Investigation

Except in extreme cases with extenuating circumstances, all investigations from initiation of complaint to disposition by the Chief of Police shall be concluded within thirty (30) days.

9. Deception and Entrapment

Neither deception nor entrapment shall be used as a means of investigation in non-criminal cases.

10. Polygraph or CVSA Examination

Employees will not be required to undergo a Polygraph or CVSA examination. They may voluntarily be examined. If possible an outside examiner will be utilized.

11. Right to Respond

Any accused employee shall have the right to respond to any complaint either orally and/or in writing during the investigation and shall be given adequate and reasonable release time for preparation.

12. Publicity

In addition to security measures to ensure confidentiality of an Internal Affairs Investigation special care shall be taken to avoid thrusting the accused into the limelight of the media. The home address

or telephone number of the accused shall not be divulged without his or her express consent. The Chief of Police or his designate may release such information if it is in the best interest of the community.

13. Limits for Discovery Procedures

Any employee who is being investigated for any Rule Violation or any Criminal Act can be required to provide or submit to any or all of the following discovery procedures:

- a. Chemical Test
- b. Financial Disclosure
- c. Line Ups
- d. Medical and Psychiatric Examinations
- e. Photographs
- f. Search of City Property

However, such procedures must be reasonably necessary, narrowly defined, and directly related to the complaint being investigated.

Note: Criminal investigation shall be pursued through the means of the regular legal process only, while Administrative Investigations shall be conducted relying on the acceptance of these discovery procedures as conditions of employment.

In all cases the investigator shall conduct the discovery proceedings as scrupulously as is required by law in Criminal Cases.

14. Chemical Test

Only when there is reasonable suspicion that the person complained against is intoxicated or under the influence of drugs, will the employee be required to submit to a chemical test. Any employee who is accused of such an offense, however, may voluntarily undergo a chemical test at his/her request and at the expense of the Department.

15. Search of City Property and/or Private Property

City owned property, such as desks, lockers, vehicles, computers, etc. will not be searched except by personnel in official capacity as Internal Affairs Investigators who:

- a. Have adequate reason to justify such search; and
- b. Have the approval of one of the accused employee's superior officers; and or Internal Affairs Commander.
- c. Conduct the search in the presence of the employee whenever possible.

This rule does not prohibit such administrative inspections as may be necessary for the purpose of maintaining general order, maintenance of equipment, or property inventory.

An employee's private possessions shall not be searched without a valid search warrant unless the contents are in plain view, exigent circumstances exist or consent is given, even if said property is located within City property.

H. Criminal Investigation Report

When a criminal complaint is investigated, the Chief Investigator will complete a Complaint Investigation Report according to the format provided in this document (See Appendix B) and forward it to the Internal Affairs Commander. This report will contain all facts relevant to the investigation.

I. Categories of Findings

1. Each complaint investigation shall include one of the two following findings:

a. Not Sustained

(1) Unfounded - Investigation indicates that the act or acts complained of did not occur or failed to involve police personnel.

(2) Exonerated - The investigation indicates that the act or acts complained of did occur but were justified, lawful and proper.

(3) Alter Culpa (Other Blame) - The investigation indicates that the act or acts complained of did occur but that the accused is not guilty by reason of:

- (a) Faulty Policy,
- (b) Inadequate Training,
- (c) Inappropriate Supervision, or
- (d) Other Extenuating Circumstance.

(4) Inconclusive - The investigation failed to uncover sufficient evidence to clearly prove or disprove the allegations made in the complaint.

b. Sustained - The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

2. Each Supervisory Review shall include one of the three (3) following findings:

a. Proper - Review indicates that the actions of the employee were appropriate, fitting or not undesirable.

b. Improper - Review indicates that the actions of the employee were not appropriate, fitting or desirable.

c. Undetermined - Review does not reveal enough information upon which to make a finding of Proper or Improper.

J. Complaint Review Board

In the case of complaints or allegations charging employees with Criminal Violations, the Internal Affairs Commander shall appoint a Complaint Review Board according to the following guidelines:

1. The board shall consist of three (3) regular commissioned officers: a police officer, a sergeant and a captain. Each member shall be from a different watch, section or unit and the ranking officer shall not be of the accused employee's watch, section or unit. The senior officer may opt to be the Board Chair. This board will be appointed from a list of all sworn officers.
2. The Complaint Review Board shall have the power to command the presence of departmental witnesses and evidence pertinent to the allegations, pro or con. The chief investigator shall present the case for the Department. Board recommendations for a finding of Sustained must be supported by a unanimous vote. Board recommendations for any corrective action may include dissenting opinions. Prior to recommending corrective action the board shall conduct a review of the disciplinary and complementary history of the employee.
3. The Chair of the Board will write, or assign another member of the board to write, a report of its findings and recommendations for departmental action (see Section IV, B., 1-5). Such reports and all materials used in evidence and all records of the Board proceedings shall then be forwarded to the Internal Affairs Commander.

K. Review By Internal Affairs Commander

The Internal Affairs Commander shall review the materials provided from the Complaint Review Board, write his/her own recommendations concerning the findings and departmental actions, and forward all materials to the Chief of Police for final disposition.

L. Final Approval by the Chief of Police

The Chief of Police shall review all materials and either approve or modify the recommendations therein. (See IV. Complaint Procedures for Case File Routing.)

M. Range of Corrective Actions

The following lists the corrective actions available for application as appropriate in each case of complaint against a Police Department employee:

1. In a case finding of Unfounded due to malicious allegation, prosecution of the complainant may be sought by the Department and support shall be given to the accused employee in securing redress in court.
2. In case of a finding of Exonerated, the accused shall be thanked for his/her cooperation as appropriate.
3. In case of a finding of Alter Culpa, a complete review of related departmental policy, training, and/or supervision shall be conducted as applicable.
4. In the case of a finding of Inconclusive, no special action need be taken.
5. In case of a finding of Sustained, the following range of corrective actions are available for implementation as appropriate by the Department:
 - a. Informal counseling by the employee's immediate

- supervisor.
- b. Preferential assignment to training courses in the area of the improper behavior.
- c. Verbal reprimand.
- d. Mandatory assignment to training in the area of improper behavior.
- e. Mandatory counseling by an outside agency either individual or group or informal.
- f. Suspension without pay for an appropriate length of time up to the limits set forth in the Personnel Rules and Regulations of the City of Columbia.
- g. Demotion in rank.
- h. Discharge from employment.
- i. Seeking of criminal prosecution.

N. Appeal Procedures

Should the employee feel that the corrective action taken by the Department is unjust or excessive, he/she may utilize the standard appeal procedures provided for in the Personnel Rules and Regulations Policy for Filing Grievances.

O. Document Caveat

In the event that any section of this document should be found to be unconstitutional, illegal, or otherwise invalid, the remainder of this document shall continue in full force and effect.

C O L U M B I A P O L I C E D E P A R T M E N T
C I T I Z E N ' S C O M P L A I N T F O R M

Complainant's Name _____ Sex _____ Race _____ Age _____

Address _____ City _____ State _____ Zip _____

Telephone: Home _____ Work _____

Occupation _____ Place of Work _____

Location of Incident _____

Date of Incident _____ Time of Incident _____

Witnesses to Incident (name, Address, phone Number)

1. _____

2. _____

3. _____

Detail of Incident: (Who, What, when, Where, How, Why) (Include names and descriptions, times, badge number, etc.) (Use back of form if needed.) _____

Providing information about a complaint of action or inaction on the part of an employee of the Columbia Police Department constitutes a police report.

I have read the above statement and swear or affirm that it is true. I have also read and understand the advisory paragraph immediately above.

(Signature)

(Date)

(Time)

Complaint Received By _____ Rank _____ Badge _____
(Signature)

**COLUMBIA POLICE DEPARTMENT/INTERNAL INVESTIGATION
REQUEST FOR SUPERVISORY REVIEW**

Name of Employee	Position/Title	Unit	Division
------------------	----------------	------	----------

Request initiated by _____

Date: _____ Time: _____

Request directed to _____

Description of Incident or Activity to be reviewed: _____

.....

(SUPERVISOR: fill out this section and return to initiator.)

FINDING: Proper Improper Undetermined

Justification: _____

(Signature)

(Date)

(Time)

Complaint No.
Attachment No.

**COLUMBIA POLICE DEPARTMENT / INTERNAL INVESTIGATION
NOTIFICATION OF CHARGES/ALLEGATIONS**

Name of Employee	Position/Title	Unit	Division
------------------	----------------	------	----------

Department policy provides that you have a right to be advised in writing of the specific illegal or improper acts alleged against you, prior to questioning.

Accordingly, you are hereby advised that the following allegations of illegal or improper acts have been made against you:

Criminal Violation(s) Rule Infraction(s)

Citation(s) of statutes, ordinances, rules or procedures:

Description of same: _____

These allegations were brought by: _____

The undersigned hereby acknowledges receipt in writing of the above allegations.

(Signature)

(Date)

(Time)

WITNESSES

PREPARE IN DUPLICATE:
Original to Investigation File
Copy to Accused Employee

Complaint No.

Attachment No.

**COLUMBIA POLICE DEPARTMENT / INTERNAL INVESTIGATION
ADMINISTRATIVE PROCEEDINGS**

Name of Employee	Position/Title	Unit	Division
------------------	----------------	------	----------

Department policy provides that you be advised of the following:

1. This is an administrative investigation. Therefore, you have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official report.

You are further advised that by law any admission made by you during the course of this hearing, interrogation or examination cannot be used against you in a subsequent criminal proceeding.

2. If you refuse to answer a question put to you, you will be ordered by a superior officer to answer the question.
3. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Rules and Regulations of the Columbia Police Department and can serve as a basis for which your discharge may be sought.

.....
The undersigned hereby acknowledges that he was informed of the above rights.

(Signature)

(Date)

(Time)

WITNESSES

PREPARE IN DUPLICATE:
Original to Investigation File
Copy to Accused Employee



Complaint No.
Attachment No.

**COLUMBIA POLICE DEPARTMENT / INTERNAL INVESTIGATION
CRIMINAL RIGHTS**

Name of Employee	Position/Title	Unit	Division
------------------	----------------	------	----------

You are hereby advised that by law you are to be informed of the following rights prior to interrogation:

1. You have the right to remain silent. Anything you say can and will be used against you in a court of law.
2. You have the right to talk to a lawyer and have him present with you while you are being questioned.
3. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
4. You can decide at any time to exercise these rights and not answer any questions or make any statements.

The law further provides that any admission made in the course of any hearing, interrogation or examination may be used as a basis for charges seeking your removal or discharge from the department.

The undersigned hereby acknowledges that he was informed of the above rights.

(Signature)

(Date)

(Time)

WITNESSES

PREPARE IN DUPLICATE:
Original to Investigation File
Copy to Accused Employee

Complaint No.
Attachment No.

**COLUMBIA POLICE DEPARTMENT
COMPLAINT INVESTIGATION REPORT**
Internal Affairs

2000-000xx

INDIVIDUAL INVOLVED IN THIS INVESTIGATION

RELATIONSHIP TO THIS INVESTIGATION: OFFICER

NAME: DOE, JOHN RACE: XX SEX: X DOB: xx/xx/xx AGE: xx
ADDRESS: 600 WALNUT ST E CITY: COLUMBIA , MISSOURI
APARTMENT: HOME PHONE: WORK PHONE:
REMARKS: WITNESS

RELATIONSHIP TO THIS INVESTIGATION: COMPLAINANT

NAME: DOE, JANE RACE: XX SEX: X DOB: AGE:
ADDRESS: XXXXXXXXXXXXXXXX CITY: COLUMBIA , MISSOURI
APARTMENT: HOME PHONE: WORK PHONE:
REMARKS: WITNESS

RELATIONSHIP TO THIS INVESTIGATION: WITNESS

NAME: DOE, JASON RACE: XX SEX: X DOB: AGE:
ADDRESS: XXXXXXXXXXXXXXXX CITY: COLUMBIA , MISSOURI
APARTMENT: HOME PHONE: WORK PHONE:
REMARKS: WITNESS

REMARKS:

Catagory of Complaint: IMPROPER PROCEDURE

Date & Time of Incident: xx/xx/xxxx xx:xx

Was Firearm Used: NO Was Force Used: NO Traffic Accident: NO

Location Occurred: XXXXXXXXXXXXXXXX

Date Assigned: xx/xx/xxxx Did I.A. Team Investigate? NO

Date Completed: xx/xx/xxxx Investigator: XXXXXXXXX, XXXXX

POSSIBLE VIOLATIONS TO BE CONSIDERED

MAIN CHARGE: FAILURE TO RPT VIOL

NATURE OF CHARGE: FAILURE TO RPT VIOL

REMARKS:

FINDINGS: IMPROPER ACTIONS: COUNSELING/CAUTION

PERSONNEL INVOLVED	PAYROLL #	RANK	ASSIGNMENT
DOE, JAMES	00xxxx	OFFICER	

Remarks:

Complaint Taken By: DOE, SERGEANT

NARRATIVE THIS INVESTIGATION

FINDINGS - NARRATIVE

IA ACTIONS: COUNSELING/CAUTION

RECOMMENDATION - NARRATIVE

ATTACHMENTS: CAD REPORT, CPD. POLICE REPORT, LETTER FROM
COMPLAINANT

SUPERVISOR:

Finding/Action

Unit Supervisor Date

CONCUR [] DO NOT CONCUR []
NOT APPLICABLE [] _____
Captain Date

INTRODUCTION AND FOUNDATION

The assessors were charged with reviewing the current Internal Affairs (IA) and Administrative Review process currently employed by the Columbia, MO Police Department (CPD). The assessors included Dr. Aaron Thompson, project manager, Ed Brodt, Tracy Schiller and Lt. Colonel Tim Emington. Tim is categorized as an Internal Affairs expert and as a team, the assessors have extensive background in areas of community policing, assessing law enforcement agencies, Internal Affairs, and overall modern policing techniques. The assessors were provided the agency's current policy as well as limited statistical data and a limited number of personnel interviews. The overarching goal of this assessment was to identify strengths and weaknesses in the current process and application and how that process is perceived as it relates to effectiveness, efficiency and acceptance by both the rank and file. Thus, a set of recommendations were asked to be rendered to the Columbia's Chief of Police.

The protocol for this assessment was to assess the current Internal Affairs process and compare it to best practices in law enforcement. With this in mind, a set of recommendations is based on overall best practice considering the agency's needs and the industry's current methods of addressing administrative and criminal investigations of its employees. Also included in this protocol was an in-depth look at the CPD Internal Affairs from the standpoint of a sample of internal agents and citizens. However, based on directives given by the City Council, the assessors were asked by the Columbia Police Department not to consider any process that employs a form of citizen review as part of our recommendations.

This report's findings address the strengths and weaknesses of the current system based on best practices and the sample of perceptions of how its current application impacts employees and the community of which the agency serves. It should be noted that the team of assessors recognize that the sample is small and could not possibly represent all citizens and agency members. However, the assessors feel that the validity and reliability of its portrayal of the IA process and the recommendation made are suitable to enhance that process.

Finally, strategic recommendations are made in order to assist the agency in improving the process as well as enhancing the support and acceptance of that process by both the agency employees and the citizens of Columbia.

Sample and Data Collection

It was determined by Aaron Thompson that there needed to be a multiple data collection approach based upon the assigned task. Thus, many documents were reviewed (current IA policy, use-of-force policy, complaint procedure, sample IA and Supervisor Reviews, best practices in a variety of complaint and review processes, etc.). In addition, face-to-face interviews were conducted on a two day site visit on February 1st and 2nd of 2007. These face-to-face interviews included:

- Focus group with the following participants:
 - Chief of Police
 - Five Staff members at the rank of Captain

- Individual interviews:
 - One Captain
 - Five Sergeants
 - One Detective
 - Four Patrol Officers
 - Two citizens

Email and telephone interviews also were conducted from February 5th through March 1 and they included:

- Five current officers
- One former officer
- 15 Columbia community members
- Human Resource representative

GENERAL FINDINGS

Overall the findings indicate that the IA process needs to be changed in order to produce a process and outcome that both the officers and the citizens can respect and feel is fair and honest. The majority of conclusive findings from the citizens indicate that there are certain perceptions about the IA process including it is secretive, it is biased toward the officers and against the citizens, it is negatively biased toward citizens of color, and the CPD do not police themselves well. There were some citizens who said that they felt that the Columbia Police Department is doing a good job and did not see anything wrong with how they policed themselves. Many of the citizens also felt that there was a disconnect between the officers and their supervisors and a sense that some officers' use of force was premature and unwarranted in many cases. It was clear from the Chief, Command Staff and officers that in any use-of-force incident, a review would be initiated.

The majority of the CPD and Human Resources felt that the IA and Supervisor's Review process (including the appeals process) was laborious. They especially felt confused as to when the IA process should be invoked unless it was clear criminal activity was being investigated. They also felt that the Supervisor's review was overused and did not necessarily use the correct protocol to produce good and consistent results. Review of the data show that there has been a significant increase of reviews of officers since 2000. Officers believe this process is disparate, supervisors feel it is too demanding of their time, and there are inequities between commanding officers in their decisions concerning when an issue reaches a level for review as well as discipline.

The department is currently using a process and model that was developed twenty some years ago and has seen only minor adjustments over the years. This model has apparently served them well in the past. However, in the past twenty years there have been changes that have put additional pressures on the community and the police department.

During this time, society, the Columbia Police Department and the City of Columbia have seen major changes. The City and Department have grown substantially. The department has increased from 96 to 149 sworn officers. The non-sworn employees rose from 28 to 34 in that time frame. The age and experience of officers has also changed over the years. Many of the experienced officers and supervisors have either retired or moved on to other agencies.

Regarding experience, an example is that the 2nd, 3rd, and 4th shifts currently contains 54 officers with 30 having less than three years (56%) and 70% have less than five years. The 2nd shift (which has the most activity) maintains a 91% of shift with less than five years and 77% with less than three years. Most of the street supervisors have less than two years of experience in their supervisory positions.

Organizational Culture and Structure

The Columbia Police Department (CPD) is divided into five Divisions, each headed by a captain. The division commanders include an Executive Assistant, Administrative Support, Investigative, and East and West Patrol District all of whom report directly to the Chief of Police. The Department has approximately 149 sworn personnel and 34 civilians. The department has undergone significant structural and operational changes under the current Chief in an effort to embrace community policing. Some of these changes have had detrimental effects on the direct supervision of the line officers. The current structure only allows for one-third of the officers to work for their primary supervisor each day. In addition, two-thirds of the officers work with their supervisor only half of their work week or less. The University of Missouri-Columbia's Center for the Study of Organizational Change by Dr. Michael Diamond (Diamond Report) indicates there is a "disconnection between leadership (i.e. Command Staff) and the rest of the department (i.e. officers, sergeants, detectives, CSA's and civilians). This "disconnection" has resulted in frustration, resentment and a level of paranoia between Command and line employees. The Diamond Report also states, "Many believe that the current personnel decisions are not merit based and are made on the basis of favoritism or in an effort to promote diversity within the CPD."

Internal Affairs Process

When members of the department talk about Internal Affairs they refer to the two tiered process. By policy an Internal Affairs Investigation is initiated when there is a criminal case to be investigated. Although there was general belief within the agency that the internal affairs process may be initiated when serious punishment may be the end result it does not appear that this option is frequently used.

The Internal Affairs section is apparently the responsibility of the Executive Assistant, although this is not clearly defined. CPD General Order - 051 addresses Internal Affairs procedures. The order fails to document the ultimate authority for discipline and gives the impression that discipline is administered by consensus. G.O.- 051 is confusing, redundant, contradictory and contains superfluous information that dilutes the point. It fails to clearly outline what paths complaints take intertwining criminal and rules violation procedures. There is no clear delineation of the ultimate responsibility for discipline. The five Captains are apparently responsible for most disciplinary decisions causing a perception of disparity in the findings of internal investigations. There appears to be a disconnection in the lateral communication between the captains and discipline is administered before it is reviewed by one person that could ensure consistency. Direct supervisors conduct most use of force reviews but are often not called to the scene and have to rely on the officer's own report. The use of force reviews are for reporting purposes only and considered standard operating practice. They are not driven by the complaint process and should be addressed by a separate policy other than the IA policy. There is no indication that photos are taken during

routine use of force investigations. The department computer operations supervisor provided information which indicates that since 2000, the department has documented 655 uses of force. Only two cases received any disciplinary action; one case was a written reprimand, there is no indicated action on the other. These uses of force reviews were inspired by a complaint which led to inclusion in the IA system.

Complaints apparently follow two tracks: supervisory review for complaints generated internally and citizen's complaints for complaints generated externally. If the complaint is a violation of rules and not of a criminal nature, both internal and external complaints are apparently referred to the employee's immediate supervisor for investigation. It is unclear who is responsible for determining discipline. Policy states that the role of the IA commander will "have immediate control and supervision of internal investigations," however it appears this individual is nothing more than a record keeper and an official who notifies.

Complaints of a criminal nature follow a different path. Curiously, if the complaint is of a criminal nature, the Chief is not the first person to be notified. In criminal complaints, a chief investigator is assigned to the case (rank is not considered). The investigators are pulled from a list maintained by the Internal Affairs commander. G.O. -051 section I.E. addressing the list contradicts itself on the minimum number of officers on the roster (two paragraphs indicate 5, however section I.E.2. indicates 7). The current practice of drawing investigators throughout the department violates the roster and frequently officers not on the list are used. This incubates rumors of who is being investigated. It is unclear how many times this process has been employed. Appropriately, the prosecution of criminal complaints is not the decision of the investigators. However the District Commander or IA Commander will first determine if the complaint contains factual information sufficient to warrant initiation of a criminal investigation (Section IV B). How can they determine facts without an investigation? The criminal case files are presented to the Prosecuting Attorney who makes the decision on prosecution. The department apparently interweaves criminal and administrative investigations (see G.O.- 051 IV. 13.) Following the criminal investigation, it appears the department convenes a Complaint Review Board, consisting of 3 sworn officers, to make recommendations for departmental action according to G.O.- 051 IV. J 2. However, G.O.- 051 IV. J 3 incorrectly references the reader to "Section IV., B., 1-5". Although the Complaint Review Board has the power to command the presence of departmental witnesses, there is no indication outside evidence is heard. The review board apparently does no additional investigation and hears the criminal case based on the criminal investigators' investigation. This is concerning in two areas. First, the investigator's primary interest should center on building a criminal case where the threshold of proof is "beyond a reasonable doubt" not just a "preponderance of the evidence" that is required for rules violations. Second, this practice has the appearance of enabling the review board to ignore evidence it does not wish to examine.

Notes:

Although G.O.-0051 II. A. indicates complaints shall be accepted from any source, the site visit found this is clearly not the case. There is no direction offered that specifically outlines, step by step, what and how an officer advises a citizen how to lodge a complaint if an officer is approached by a citizen with a complaint and there is no requirement for the officer to call a supervisor. However, in interviews officers indicated they would call a supervisor or take some type of action to address the concern.

There is no direction on the CPD web site concerning how to commend or file a complaint against an employee. There is also no indication who is responsible for Internal Affairs.

In reviewing departmental reports the internal affairs process has been initiated:

- 2000 None
- 2001 None
- 2002 None
- 2003 None
- 2004 Once
- 2005 Three times
- 2006 Once

The second piece of the Internal Affairs function at the Columbia Police Department is the supervisory review. This appears to have become a catchall phrase to include the investigation of citizen complaints, use of force, discharge of firearms, pursuits and others.

One of the questions asked during the interview process was, "What is currently working well with your Internal Affairs system and what isn't working so well?" Most responses centered on consistency, equity and supervisory reviews as the pieces that were not working well.

Supervisory Reviews

A supervisory review can be initiated from an external complaint or conducted routinely in some cases such as when force is used by an officer. Most of those interviewed indicated that "supervisory review" is meant to be an investigation by the supervisor. Most all who were interviewed believed that Sergeants are spending too much time conducting supervisory reviews and not enough time on the streets with their officers. We heard that the evening and late shift supervisors may spend between four and six hours per shift working on administrative and supervisory review activities.

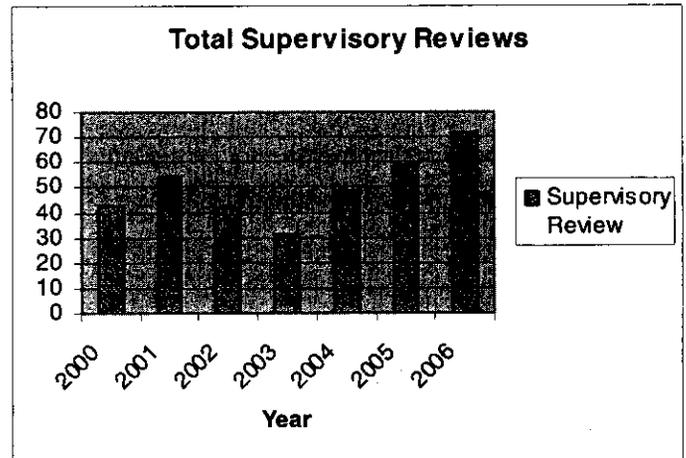
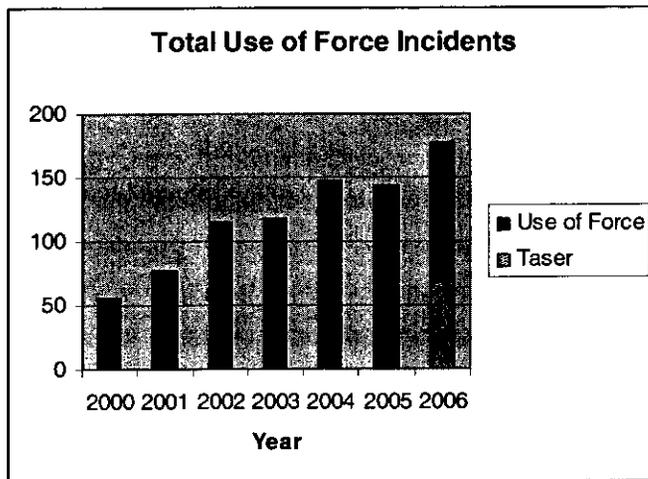
The one area of supervisory review that seemed to be of most concern was the use of force. A supervisor is required to conduct a review anytime an officer uses force in the performance of their duties. When asked to explain why this is such an issue it becomes clear that it is not actually the review that is causing a problem, but the process of the review. The current process requires the same information be documented on several different forms and in different formats. There was also a general agreement that in practice it has become more of a cursory review than a full investigative supervisory review.

In the past few years police use of force has rightly become an extremely important issue in American policing. Each incident carries the potential for litigation, loss of public trust, misinterpretation, and injury or death to suspects and police officers.

Citizens and communities need to have confidence that the police administration will implement a system that will ensure that police use of force is justified and necessary and will take

appropriate action when it is found to be used excessively and or inappropriately. Police officers need to have confidence that the system will protect them from false allegations.

For many years police departments in America did not track and report on use of force applied by the police or citizen complaints against the police. In recent years most departments have begun tracking and analyzing both use of force and citizen complaints. This puts an additional administrative and investigative workload on any agency's structure and personnel. The Columbia Police Department is no different. See graphs below.



An examination of these graphs should in no way insinuate any consideration of whether use of force incidents were justified or not or whether the increase in incidents is justified. Such an interpretation would be in error. For example, when looking at the 2006 increase in use of force numbers one can see that is when the TASER[®] was approved for use in the agency and accounted for almost 40% of the use of force incidents. TASER[®] was used 76 times in 2006 and 60% of those uses involved display of the spark or laser sight, thus no physical contact with the suspect. In past years 100% of use of force incidents would indicate physical contact with a suspect. In 2006, there was 27% use of force incidents that did not require physical contact with the suspect due to the TASER[®] sparking or laser sight.

Our use of this data is to merely illustrate the increasing administrative and investigative demands placed on the department.

How Data is Collected and Reviewed

The Columbia Police Department currently collects various data relating to internal affairs. The agency requires that all instances of use of force be documented and reviewed by a supervisor. Even though use of the TASER[®] is considered a use of force incident there is additional data collected when the TASER[®] is used. When a citizen complaint results in a supervisory review or an internal affairs investigation there is considerable data collected about the incident. All of this

data is collected and stored electronically and is available for review and analysis. Currently there is no routine examination or analysis of available data. Furthermore, the data is not entered in a consistent format. This causes difficulty in obtaining all data unless a query is made in more than one way.

A review of the Columbia Police Department policy and procedure manual relating to complaint intake and internal affairs investigations reveals the following:

The complaint intake policy allows complaints to be taken in a variety of ways such as in person, over the phone, at the complainant's home, business, or hospital. It also allows complaints to be taken anonymously, from juveniles and persons in custody. This is in keeping with national trends and best practices in developing an "open complaint process."

Open Citizen Complaint Process

Community and agency members have a readily accessible process in which they can file complaints that will be given fair and prompt attention.

(Police Foundation, *Police Use of Force: Official Reports, Citizen Complaints, and Legal Consequences, Volume 1*. Washington, DC)

However, during interviews many seemed to disagree with the openness of the complaint intake process and questioned the practice. Once again this resistance and misunderstanding may be due to the internal communication process. There are many valid reasons for agencies to have an open complaint intake process and it is important for supervisors and officers to understand why this is important in order to create and maintain public trust and confidence. The complaint intake and investigation process can be seen as a leading indicator of a department's commitment to the highest standards of ethics and integrity.

"The greatest failure of police departments' IA process leading to civil litigation and pattern and practice lawsuits has been a result of a flawed complaint reception process."
The Community Oriented Policing Services (COPS) Citizen Complaint Intake and Investigation Issues

When there is a complaint or supervisory review conducted, the Columbia Police Department currently uses three possible findings to conclude the investigation:

- Proper – officer actions were deemed proper
- Improper – officer actions were deemed improper
- Undetermined – unable to determine

Most supervisors and commanders indicated a reluctance to use the undetermined finding. There was general agreement that an undetermined finding meant they did not believe their officer and this might affect their working relationship. It was interesting that no one spoke about how using a finding of proper without supporting facts would indicate they didn't believe the complainant and how that might affect the working relationship with the public.

Basic Elements of Internal Investigations

The reputation of any law enforcement agency is dependent upon how open their actions and processes are perceived by the community. How the department deals with complaints is directly proportional to the level of respect and trust they will earn from the citizens they serve and the people they employ. The overwhelming majority of law enforcement employees are professionals who have dedicated their lives to public service. However, these individuals are human and at times have errors in judgment. A community's trust is garnered when the department is open to a fair assessment of their actions and their willingness to change policy or behavior that is found to be inconsistent with their values. Any internal affairs investigative process should ensure fair and equitable treatment of employees while at the same time providing a means for redress by the citizens for the wrong allegedly done to them by police employees. **The department should outline a clear administrative process that is plainly understood by both citizens and the police employees. The basis for such a process is dependent on two primary tenets; just cause and due process.**

The principal of just cause ensures the resulting discipline is fair and appropriate under the circumstances. The appropriate discipline must always satisfactorily answer the following questions if it is to be considered fair and unbiased by the complainant, the police department's employees, and the community:

- Have all of the charges been factually proven? The level of proof in an administrative investigation is a preponderance of the evidence, while in a criminal investigation facts must be proven beyond a reasonable doubt.
- Is the punishment disproportionately severe? Were other employees treated in a similar manner looking at the departments past custom and practice? Notice must be given to change past custom and practice.
- Was the investigation thorough and complete? Were all witnesses interviewed and all evidence considered?
- Was the employee's conduct the product of action or inaction by the employer? Is the department culpable in the employee's action? Was the conduct provoked?
- Was a positive work record considered?
- Were mitigating circumstances considered? What was the employee's state of mind?
- Is the discipline progressive? If the discipline is not progressive, is it justified by the severity of the circumstances?
- Was the employer motivated by bias?
- Are the rules clear and understandable?
- Is the employee likely to engage in similar misconduct in the future?

In addition to satisfying the just cause concerns, the protocol must ensure the employee and the citizen are accorded clear procedural due process. The process must meet all local, state and federal requirements and must be consistent. Departments must never discourage a person from complaining because the process is embarrassing or difficult. Community confidence is compromised if the process fails to be clear and simple.

Internal Affairs policies should always clearly specify who receives complaints. If a unit's responsibility includes internal investigations, the citizen's ability to lodge a complaint directly to such a unit must be a clear process. Not all citizen concerns need be formal complaints. Officers are approached on a regular basis with questions about police procedure and response. Officers should address these concerns openly and should be well versed in advising citizens of the department's complaint process. Often when citizens know a reason for an officer's action their concern becomes understanding. However when such questions enter into the realm of a complaint, policy should dictate that a supervisor be called. Citizens sometime have no desire to pursue a complaint but, with good intention, believe an officer's actions should be brought to the attention of a supervisor. **Supervisors should have the flexibility to explain actions of the officer and offer possible explanations that may alleviate the citizen's concerns but if the citizen desires to file a complaint the department should take the complaint and thoroughly investigate the matter. Policy should be clear and require all complaints against any member of the police department be received and investigated. Such a clear policy leaves no room for dispute. Problems arise when citizens and officers see similar complaints result in one complaint accepted and another rejected.**

Some state laws require sworn and notarized statements from those outside the department who make a complaint involving abuse of authority or a violation of departmental rules and regulations. This requirement has the advantage of increasing the credibility of the complainant and creating a level playing field in the minds of the accused. It also assists in the prosecution of false statements. However, it may also discourage honest people who may be skeptical or reticent. The failure of a complainant to sign a sworn statement should never be the ultimate deciding factor of the department's decision to proceed or not proceed with an investigation. **If in view of the totality of the circumstances an investigation is warranted, the department (Chief) should initiate the investigation. A sworn statement should never be required when the complaint alleges criminal activity on the behalf of a police officer.**

Policy should address circumstances, if any; when a complaint will be refused (i.e. complainant is intoxicated). However, many departments take such complaints and weigh the credibility accordingly.

Clearly officers must obey all federal, state and local laws. Immediately after a complaint is received, the department should determine if there is a criminal element to the case. If so the matter should be separated into both a criminal investigation and an administrative investigation. Investigations involving criminal complaints, if at all possible, should follow the criminal track to the point of prosecution or indictment before an internal investigation is initiated so as not to taint the criminal case and jeopardize prosecution. Officers that are the target of criminal investigations should be afforded the same constitutional due process rights that are accorded to any civilian. This includes the right against self incrimination and the right to counsel. Nothing should preclude a department from investigating and charging an officer both criminally and administratively. Additionally, despite an ongoing criminal investigation, chiefs must not fail to take immediate administrative action if necessary to ensure public safety.

Administrative investigations must be thorough and complete, including all exculpatory information that may clear the accused. Officers can be compelled, under threat of termination, to answer questions in an administrative investigation. However, police, like teachers and lawyers, are not relegated to a watered-down version of constitutional rights, including 5th Amendment rights (Garrity v. New Jersey 385 US 493). Unlike administrative investigations, officers cannot be coerced to give a statement in criminal proceedings. Again, to avoid any question of tainting the criminal investigation, the department's policy should be to complete the criminal investigation first. Garrity applies whenever an officer or any public employee is required by a supervisor to answer questions as a condition of employment. Administrative investigations should employ Garrity warnings if appropriate. Garrity requires employees be warned that failure to fully disclose relevant information may result in disciplinary action, including termination, but may not be used to prosecute the employee criminally. Obviously there will be times during an administrative investigation that the investigation reveals criminal conduct. In these instances the administrative investigation should be paused and a criminal investigation initiated. No information gleaned under Garrity can be shared with the criminal investigators.

Steps in both Criminal and Administrative investigations should be clearly defined in formalized policy to let the complainant and the accused know what to expect. Timely interviews should be done with the complainant and all witnesses. Tape recording of all interviews clearly documents the conversations but may be intimidating.

Internal credibility is vital. Internal Affairs policy should outline when an employee is notified and made aware of circumstances of a complaint. This notification should be made in writing with sufficient specificity so as to fully inform the police officer of the nature and circumstances of the alleged violation in order that the officer may be able to properly defend himself.

No threats, promises, or coercions should be used at any time against a police officer who is a suspect in a departmental matter. Suspension from duty or reassignment during the investigation should not be deemed coercion.

Both the officer and the complainant should be notified of the outcome of the investigation. Some departments notify the complainant of the resulting discipline while others merely send a letter thanking them for bringing the matter to the department's attention and telling them the case is concluded and the appropriate action has been taken.

Internal Affairs policy should outline an appeals process for both the officer and the complainant.

An early warning review system is highly recommended to identify patterns of conduct of officers or squads that are out of the norm for complaints and use of force.

Annual reports should be published and made available to the public on the numbers, types, and disposition of complaints along with a comparison of yearly stats. The report should have the names redacted. Departments that publish such findings tend to enjoy more support from the community and city administrators.

Consistency and Equity within the CPD System

There was general consensus that, in the end, the facts would be determined. However, there was a universal feeling that there were inconsistencies in what was investigated and how punishment was administered. Most everyone felt that the current system was not consistently being used as designed. For example, several people spoke of instances when the randomly generated list was not followed. The command staff would select someone not on the list to conduct or participate in an internal investigation. The reason most often given for this was that the person selected was more qualified.

While the practice of selecting investigators who are not on the list may be grounded in honorable intentions it can, and in some cases, is being interpreted in a negative way. Some see this as a way to control or influence the investigation. If this is the internal interpretation it is probably safe to say that the external perception would be similar and quite possibly worse.

There was also consensus concerning equity of punishment. The perception by many was that who you were or where you worked had an impact on what punishment was meted out. This perception may in part be due to the restricted communication process related to investigations. Progressive discipline means that two people may commit the same infraction and receive different consequences depending on their previous record. When officers see associates who commit the same infraction receive different punishment without any explanation they might assume that it is due to favoritism instead of a case of progressive discipline.

There was general agreement that supervisors have wide latitude in handling a citizen complaint informally. For example if a citizen complains about rudeness during a traffic stop and the supervisor can satisfy the complainant during the initial meeting there may be no documentation of the complaint. This process creates the possibility of the agency being approached by several complainants who may approach different supervisors concerning rudeness by the same officer. If each supervisor handles their complaint informally the agency may miss an opportunity to correct behavior that is affecting public trust and confidence.

POLICY AND APPLICATION

The Internal Affairs Procedures found in GO-051 will be the focus on this assessment as well as the application of the process.

CPD Internal Affairs Procedures

The policy indicates the effective date as July 29, 2002. Interviews of commanding officers indicate that the policy's philosophical foundation and portions of its procedures are grounded in what the agency used over twenty years ago. The date of July 29, 2002 found on the general order was described as being the last review date.

Overall, the policy has a sense of being a bit cumbersome and confusing. The policy is 27 pages in length, thus making it somewhat painstaking to work through to get a sense of the process and how to implement it. This notion was supported by a number of those interviewed that had been called upon to utilize it. The overwhelming majority stated that they were not clear on the

policy, and, when implementing it, they found it necessary to have the policy in hand each step of the way to ensure they were on track. However, the overall findings indicate that the processes as outlined in the policy are not followed on a routine basis.

The policy separates how investigations are processed depending upon whether they are or may have a criminal component to them as opposed to those that are conduct related. Those labeled, "criminal" appear to be given more resources and appear to require faster processing. Records indicate that the agency utilizes this process in approximately 1% of all complaints coming into the system.

The policy will be further addressed by subtopic:

Introduction

The mission of the IA system is to "help maintain the integrity of the police department and to improve the quality of police services." Furthermore, the introduction clearly expresses that the "Internal Affairs System" is in place to:

- enhance the security of the citizens
- protect the integrity of the agency
- provide prompt investigations
- instill public confidence in the agency

The introduction continues with an explanation of the structure and operation of the system:

- Organizational hierarchy of;
 - Chief
 - Internal Affairs Commander
 - Internal Affairs Investigators
- Chief assigns staff officer as IA Commander
- IA Commander has immediate control and supervision of the investigations
- IA Commander maintains a roster of 5 investigators
 - The guidelines indicate the following personnel will be on the list
 - 3 years experience necessary to be placed on list
 - 2 sergeants
 - 4 patrol officers
 - 1 captain

NOTE: The mandate to maintain a list of five investigators does not correspond with the guidelines. The guidelines call for seven people total. This makes for clarity issues.

- For Criminal Cases the IA Commander appoints a Chief Investigator without regard for rank
 - Although this has merit, it can create issues concerning ability to hold people accountable especially in the bureaucratic system employed by this agency.
- The Chief Investigator appoints all additional team members from the roster
- Minimum of 2 investigators
- Investigators may be removed from regular duties to perform investigation
- Investigators are said to be able to "act with full authority of the Chief"
 - This authority is not defined.

- Investigators serve without regard to rank.
 - Again, this can create issues concerning accountability in the current organizational structure.
- Roster is for 3 months then a new list is established
- Officers cannot be appointed to the roster again until all others in the agency have rotated through.

Findings

Those interviewed identified the following discrepancies concerning the policy as written and its actual practice.

Information suggests that it is not unusual for the investigation and discipline to be completed prior to the IA Commander's review of the case. This appears to be contrary to the notion that the IA Commander has immediate control and supervision of the investigations. This is more the case as it relates to administrative investigations than to criminal cases. Overall this policy is not clear. References of criminal and administrative investigations are mixed throughout the policy making it difficult to clearly differentiate one from the other.

The rotational list was found to be conflicted as to policy and practice. The practice is to maintain the roster; however, investigators chosen would not always be someone from that list. The interviewees stated that on many occasions someone not on the list would be chosen to conduct the investigation. The reason offered by some was that the person chosen was better suited for that investigation. Such practice has led to a mistrust of the process by those inside the agency. There are some who see this as a way to subvert the process in order to "get the result" the agency wants and not necessarily to provide a better investigator. Although referred to a number of times within policy, the practice is not to follow this procedure.

As mentioned previously the number of employees to be maintained on the roster conflicts within the policy. One place mentions a roster of five; however, the guidelines indicate there should be no less than seven.

Appointments to Chief Investigator as well as other investigative responsibilities are, by policy, done without regard for rank. This has merit for it suggests that one's ability is more critical than rank. Although this has its advantages it creates internal issues as to accountability and the reality that inside a bureaucratic system such as Columbia PD with its militaristic command structure, it is doubtful that a subordinate will challenge their superior and not have backlash or perceived backlash. This was not made an issue during any of the interviews; however, the potential for further ill perceptions of the process is present in such a setting.

There is consistency as it relates to investigators being given the time free from regular duties to complete their IA duties. This is for criminal internal investigations only per the interviewees. All interviewed found this to be a good practice in that it enabled an expeditious investigation. Such a process clearly shows the advantage of having people dedicated solely to these investigations. Duplication of this throughout the entire system would be advantageous.

All investigators are said to be able to “act with full authority of the Chief.” This is not clearly defined. Does this mean that they have access to everything the Chief would? Does it mean they have disciplinary discretion that the Chief has? This should be made clear and all should understand exactly what this means as it relates to authority and duty.

Initiation of Complaints

The following section of the policy outlines how complaints come into the system; how they are processed and communicated.

The policy indicates the following:

- Complaints “shall be accepted from any source...”
 - Examples stated:
 - Inside or outside the agency
 - Anonymous sources
 - Juveniles
 - Those under arrest
 - Complaints can be made
 - In person
 - By mail
 - Telephone
 - Note:
 - Officers will meet the complainant outside department if desired
 - Complainants are encouraged to file in person
 - Complainant may put complaint in writing and sign
 - Implies this is not necessary
- All reported misconduct will be investigated and promptly adjudicated
- CPD employees will inform public of reporting procedures on all “reasonable requests”
- IA Annual Report outlines types and dispositions of all complaints received
- Agency has in policy that they will not “solicit complaints”
- Provide written notification to complainant and officer
 - Complainant receives “Report of Inquiry Form” and a notification of conclusion
 - Officer receives final disposition

Findings

The policy clearly states that all complaints will be accepted from any source. According to the majority of those interviewed this is not the practice. A number of those interviewed stated that they would not accept anonymous complaints, complaints from intoxicated persons or third party complainants. The practice appears to be more of how the individual officer or supervisor perceives what should be in place and not what is directed by policy. It was indicated that the complaint intake process would allow for third party complaints, anonymous complaints, complaints by telephone and complaints acquired by way of the agency’s website. This finding further supports the inconsistency found in policy as written versus the understanding of that written policy and the actual practice.

A number of those interviewed objected to any complaint not being in writing and signed by the complainant. It is unclear whether the complaint would be refused; however, there is a belief that the practice should be for the complaint to be in writing and signed even though there is an understanding that it is not mandatory in order to accept a complaint.

The policy clearly states that ALL misconduct will be investigated. According to those interviewed, what is considered an "investigation" and to what depth that investigation might go appears to be subject to individual employee's interpretation. Several interviewed stated that if they can satisfy the complainant on the spot they will do so and if this is accomplished no record of that complaint may be made. This is not always the case but it was mentioned several times and inconsistency in how complaints are handled and documented is evident. Furthermore, there is a perception that each Captain may have personal interpretations as to what should receive a "review." This perception indicates that the Captains exercise a great deal of discretion concerning this topic particularly as it relates to internally generated complaints.

The policy is very good in its aspect of presenting an open systems approach to complaint intake. This is very necessary in order to create trust and confidence by the citizens the agency serves. However, as mentioned above, practice may well not be following this mandate according to those interviewed.

It was also found that very few of those interviewed were aware of the reporting procedures and would not be able to offer that information to the public. However, even though they were not aware of the exact process, they all would refer the complainant to a supervisor or take some action to address the concern or complaint.

The IA Annual Report is another excellent venue for advising employees and the public of the system's actions. It appears that this report no longer receives any publication inside or outside the agency. Some interviewed said this was done in the past but no longer occurs.

The statement in policy that the agency will not "solicit complaints" is curious. This can be interpreted a number of ways. This should be clarified and some consideration to eliminating it unless there is sufficient reason for making this point.

Character of Complaints

This section has some content that may be best suited in a policy that outlines standards of conduct alone: Subsections III (A) and III (B) specifically.

This section deals with categories of complaints.

- Complaints can be either or both of the following:
 - Criminal violation
 - Rule infraction
 - NOTE:
 - The policy offers a fairly extensive list of examples of violations under each of the above topics. They are not exhaustive; and appear to be

offered as examples only. This adds to the cumbersome and confusing nature of the policy as such listing is not necessary.

- Definitions offered for each term would suffice. They give necessary clarity and the elimination of examples would reduce the verbosity of the section.

Findings

Splitting the complaint investigation process into criminal and administrative is the focus of this section. It makes the delineation clear. However, many interviewed indicated that cases may start as “Rule Infractions” (administrative) but evolve into a “Criminal Violations” investigation. Also, it was clear that if there was a belief that if a rule infraction was serious enough, the investigation would be handled as if it were a criminal violation.

Those interviewed expressed concern over consistency due to this method of applying this section of the policy. One person may have a criminal complaint processed as a rule violation and another may have a rule violation investigated as a criminal complaint. Concern was offered by many over how this led to perceptions by employees of improper or malicious intent by those making the decision based upon this inconsistency.

Complaint Procedure

- **Rule Infraction Procedure:**
 - If complaint is received by someone other than the immediate supervisor of officer complaint is against
 - It will be referred to Internal Affairs
 - If complaint received by immediate supervisor
 - Complete a Supervisory Review Form
 - Forward copy of form through chain to IA Commander
 - IA Commander issues number and logs complaint into Complaint Register
 - Supervisor performs investigation
 - Supervisor suspends employee if appropriate
 - Prepares a summary of the investigation and conclusions and recommends corrective action to be taken
 - Forward summary to IA Commander through chain
 - IA Commander will, after receiving complaint, then:
 - Verify Complaint Number
 - Update Complaint Register
 - Review file for completeness
 - Notify employee and complainant in writing of Final Disposition
 - If finding Not Sustained – case file retained in IA
 - If finding Sustained:
 - Approved corrective action taken by processing Notice of Remedial Action Form
 - Form retained in employee’s Personnel File

- Case file retained in IA
- **Or**
- If Notice of Remedial Action Form NOT completed
 - Case file retained in IA
 - No record of incident retained in employee's personnel file
- Appeal
 - Follow standard Personnel Appeals Procedure
- IA Files
 - Maintained in a secure area of IA by IA Commander
- Release of Files
 - Must have authorization from
 - IA Commander, or
 - Chief of Police

Findings

The policy indicates that a complaint that is received from a person, generally another supervisor other than the immediate supervisor of the officer the complaint is against, will forward the complaint to IA. According to those interviewed this is not the practice.

Those interviewed were generally in agreement that in such circumstances there would be an attempt to "handle" the complaint by the receiving supervisor first. If he or she was unable to do so satisfactorily, that supervisor would then forward the complaint to the employee's immediate supervisor who would then initiate an investigation (review). A number of those interviewed stated that if there was some friction between the supervisor taking the complaint and the immediate supervisor of the officer of which the complaint was against there would be no attempt to "handle" the complaint first as mentioned. It would instead be referred directly to the immediate supervisor. In addition, if the receiving supervisor feels as if they did not have the time to handle the complaint due to investigations they were currently engaged in (or other duties) they would not attempt to "handle" the complaint. Again, the complaint would be passed directly to the immediate supervisor.

All first line supervisors interviewed clearly perceived the mandate for them to investigate, suggest corrective action and draft reports of such complaints to be exceptionally taxing upon their time. Several stated that it would not be unusual for them to spend at least 6 of their 8 hours on shift performing investigations, drafting reports and attending to their other paperwork related duties. This was exacerbated by what they believed to be an abundant amount of "duplication" in the reporting process. Also, these supervisors were troubled since many times these investigations concerned actions taken by the officer that they had already approved. In this sense, they felt that they were being asked to investigate their own actions to some extent. Furthermore, they all indicated that the agency had an increasing number of young inexperienced officers. This could well have some relation to the number and type of complaints received. According to the data, Use of Force and Courtesy complaints were the top two received by the agency. What concerned the first line supervisors more was the perception that they were spending the vast majority of their time on duties that denied street officers access to them. In other words, they felt as though they did little "supervising."

Non-supervisory personnel interviewed mentioned that on occasion they would detect a sense of irritation or anger from supervisors that had to take on another investigation due to their actions. Such statements by supervisors as, "can't you guys just stay out of trouble," or other such statements that indicated blame for adding more work to the supervisor by the officer were made. This created a sense by the officer that they may become a target of potential retribution by that supervisor. This in turn seems to feed into a popular perception by those interviewed that the discipline was disparate.

Complaints received directly by the immediate supervisor were generally handled in the following manner according to those interviewed:

- The supervisor would attempt to "satisfy" the complainant immediately. If this was unsuccessful and the complainant still wished to "file an official complaint" the supervisor would do so.
- That supervisor would then perform their investigation and make recommendations as to discipline.
- A report would be drafted and sent to the unit or area Captain of which the officer works.
- The Captain would review the report and concur or not concur with the findings and recommended discipline.
- If the discipline were to rise to the level of suspension, the Captain would generally run this by the Chief prior to imposing the discipline. If discipline was less it may be immediately imposed and then notification sent to the Chief and the IA Captain.
- **NOTE:**
 - There appears to be a perception that there is inconsistency within the above practice. It is believed that some Captains may be more inclined to inform the Chief more often prior to imposing discipline than others regardless of the type. Also, there is a belief that discipline is not consistent from one Captain to the next. This has added to the perception of disparate discipline by those interviewed.

The current practice indicated by those interviewed supports the information given that it was not unusual for discipline to have been administered and completed prior to the IA Commander seeing the report. This again is contrary to policy and the notion that the IA Commander is responsible to supervise these investigations.

How discipline is decided upon is unclear. There seems to be an attempt to utilize some unofficial progressive discipline; however, it is not clear how that is accomplished or how consistently it might be followed. Progressive discipline was described by one commanding officer as a "moving target."

The policy also calls for the immediate supervisor to suspend the officer if appropriate. This is ambiguous and unclear as to what would constitute such action as well as who makes the ultimate decision to suspend. This should be clarified.

The duties of the IA Commander appear to identify that role as being one of a reviewer and not a supervisor of investigations. However, policy indicates that he should notify employees and

citizens of the outcomes of the investigations. This does not occur. It appears that the IA supervisor plays a role in seeing that discipline is consistent with other such incidents although he does not approve such discipline or participate in overseeing any part of the investigation.

It should be noted that this segment of the policy review is focusing upon Rule Infraction investigations and there is a difference in how these are handled compared to the Criminal Investigations. What is of great concern is that 1% or less of the entire system's investigations are for criminal issues. That leaves over 99% being handled in the manner just described. The described practice leaves great opportunity for inconsistency and disparity and has greatly contributed to an overwhelming perception throughout the agency that such inconsistency and disparity exists.

It is unclear why there may not be a reason for the "Notice of Remedial Action" form to not be completed should there be a finding of "Sustained." In such a case, it is clear that there will be no record of the investigation retained in the employee's Personnel File; whereas there is if the form is completed. This practice, if so done, may also contribute to a lack of trust in the application of the process both inside and outside of the agency.

Appeal is mentioned but not outlined. Those interviewed stated that the appeal process followed these steps:

- Step 1
 - Appeal made to the City Human Resources Office
- Step 2
 - Appeal sent to immediate supervisor who conducted investigation
 - Since this is the person conducting the investigation little chance there will be any change in finding
- Step 3
 - Appeal returned to Human Resources Office
 - Next sent to Captain who reviewed report on Unit/District level
 - Again, this person has already reviewed the investigation and little chance there will be changes
- Step 4
 - Appeal returned to Human Resources Office
 - Next appeal sent to Chief
 - Perception currently exists that the Chief upholds the Captains recommendations
- Step 5
 - Appeal returned to Human Resources Office
 - Appeal next goes to PAB for review
- Step 6
 - It can next go to the City Manager for a non-binding review and recommendation

The perception is that any change is exceptionally rare and that the current system is designed to "wear down" the employee attempting to appeal. Also, it appears that the FOP has a fund in which they pay officers up to \$500.00 for any lost wages due to suspension in which the officer does NOT appeal. This was referred to by some as a way to encourage officers not to appeal. It

appears this was put into place initially because the FOP is mandated to supply attorneys to officers who appeal and require representation. This approach was perceived to be more cost effective than paying for attorneys.

The maintenance and release of files was addressed in policy as outlined. The IA Commander is charged with maintaining all files within IA. They are to be kept secure and no access to them is allowed without his or the Chief's approval. The Chief can release information deemed necessary for the agency and the community.

There is a historic precedence that appears to be in place concerning releasing information contained in the files as well as any information that is to be released prior to and during the investigation. The practice appears to be that nothing is released prior to or during the investigation. One commanding officer said, "We are very close to the vest as to how things are done." The only information released after the investigation are the findings, which do not include the specific discipline administered. When asked to explain why no information can be offered either to help those inside the agency understand why investigations were handled as they were and why discipline was administered at a particular level, or to citizens as to how an investigation proceeded and was addressed, the answer was "it is an internal investigation and it applies to the officer's personnel file." No one was able to identify a specific law used to justify this response when asked if there was one. The responses received from this question contained vague references to the sanctity of personnel files and their contents.

When asked how such concerns of employees and citizens were met, the answer given by those interviewed was generally they were answered with silence and/or a "no comment" type response. This lack of communication has contributed immensely to the currently overwhelming ill perceptions that exist internally and externally to the agency.

Internally, employees interviewed expressed that they have many questions concerning why some investigations lead to certain types of discipline as well as why some incidents do not appear to be investigated against one officer but will against another. Externally, citizens and media requests for any information concerning investigations, according to the overwhelming number of those interviewed, appear to get little to no response from the agency. This unwillingness to address these concerns has been grounded in a perception that there is a legal blockade to doing so. Furthermore, as mentioned, this unwillingness has created a dramatically negative impact upon the trust level both inside and outside the agency. No one interviewed could point to the laws or specific requirements that outline what was to be censored and what was not. The response then has become to release nothing in order to be safe and ensure there are no violations.

The State of Missouri Sunshine Law gives municipal governments the authority to consider personnel records as closed records. However, those interviewed clearly saw this as a principle issue in how the agency is viewed internally and externally and the majority of those interviewed strongly believed that this had to be addressed in order for there to be improved trust. A suggestion was given by some that creating a full-time Public Information Officer (PIO) position and having that person research the issue and release what they could accordingly would not result in a violation of the law and would assist the Department internally and externally.

- **Criminal Violations Procedure**

- District Commander first
 - Determines if complaint contains factual information to warrant investigation
- If complaint warrants investigation the District Commander will;
 - Complete Citizen's Complaint Form or Supervisory Review Form
 - Forward forms to IA Commander through chain
 - Contacts one of the following in order
 - IA Commander
 - Chief
 - Division Commander of employee
 - If arrest determined the supervisor will arrest the officer and assume responsibility of all evidence
- If an employee is arrested in another jurisdiction and it becomes known that person having such knowledge is to provide this information to IA Commander.
- IA Commander will then;
 - Assign a Complaint Number
 - Assign a Chief Investigator
 - Provide complainant with a copy of the Citizen's Complaint Form.
- Investigators will then;
 - Investigate the complaint with close liaison with the prosecuting attorney
 - Prepare a Complaint Investigating Form and list findings
 - Present report to prosecuting attorney
 - Forward report to IA Commander
- IA Commander will then;
 - Review report for completeness
 - Appoint and convene a Complaint Review Board
 - Forward file and Complaint Review Board's recommendation to Chief
 - Chief may ask for recommendations from other command personnel
 - Chief will then approve or modify recommendations

Findings

One of the principle issues identified in this section is a lack of reference as to how a criminal investigation relates to an internal investigation concerning timing or priority of investigation. It appears that should a criminal investigation begin, an associated internal (Supervisory Review) may well proceed along with or lead a criminal investigation. Should this be the case, this procedure could cause considerable issues. Should a Supervisory Review find the officer "proper" in his actions and the criminal case find them guilty of a criminal act the agency could be greatly criticized. If, conversely, the criminal investigation were to be concluded prior to the initiation of any internal type investigation the conviction could make the internal investigation unnecessary. However, if the criminal case finds an employee "not guilty" of a crime, that employee may still be in violation of policy and the internal could continue.

The first step in the policy is for the District Commander to determine if there is enough information available to warrant an investigation. The decision to proceed with a criminal investigation should have the same standard as any other criminal investigation. The decision appears to be with, as it should be, the prosecuting attorney as to whether prosecution is warranted or not. The policy should clearly indicate that the criteria for investigation concerning an allegation of criminal activity of an employee be no different than that of any other person for the same offense.

Should an arrest be in order it appears that the supervisor (unsure which supervisor this may be) will make the arrest of the employee. The term supervisor generally refers to the first line (sergeant) supervisor. If this is the case strong consideration should be given to making this a duty of either the IA Commander or someone of the rank of Captain or above within the organization. First line supervisors are generally working in conditions in which they are extremely close to the officers they supervise. A requirement that makes them the principal agent to arrest creates conflict and can be mitigated if this duty principally lies with someone within the staff; that being a captain or above. Some exceptions can be made. These exceptions should be clearly identified.

The section dealing with an officer having knowledge that another employee has been arrested in another jurisdiction appears to be something that should be included in a Standards of Conduct policy and not necessarily in the IA policy.

The fact that the investigators are required to work closely with the prosecuting attorney is excellent. This is something that can contribute greatly to the investigation and it helps serve as a review process for the internal workings of the investigation. This should be kept in any policy update or rewrite instituted.

- **Internally Initiated Supervisory Reviews**

The policy now refers back to administrative investigations

- The policy suggests that the supervisor receiving the complaint should “exercise his/her authority to prevent future violations.”
 - The policy refers to both criminal and administrative issues here
- Supervisor is to initiate a Supervisory Review Form
- Forward a copy of the Supervisory Review Form to IA Commander
- Route the form to the immediate supervisor of the officer upon which the complaint is alleged
- Immediate supervisor shall
 - Review allegation
 - Suspend or not as appropriate
 - Determine if allegation is a Rule Infraction or Criminal Violation
 - If Rule Infraction
 - Complete investigation and take action
 - Forward dispositions through chain to IA Commander
 - If Criminal Violation
 - Establish probable cause or not
 - Submit either finding to IA through chain

- IA Commander will
 - If no probable cause was not found by supervisor the IA Commander will register the complaint as “Not Sustained” and retain the file in IA
 - If probable cause found
 - Initiate an IA Investigation as previously described in policy
- Duties of IA Commander
 - Maintenance of Complaint Register
 - Maintenance of IA Files
 - Notify the following
 - Appropriate supervisor of complaint
 - Complainant of the progress of investigation
 - Appropriate Division Commander
 - The employee in writing of final disposition
 - The complainant in writing of final disposition
 - Prepare monthly reports to Chief

Findings

This notation that the supervisor should prevent future violations is ambiguous. How should this be done? All supervisors should be continually vigilant in this matter and this should be part of any supervisor’s duty and an after the fact referral seems superfluous.

An example of such a preventative process could be the Early Identification and Intervention System (EIIS). This system is in place to monitor such activities as; crashes, absenteeism; tardiness, use of force, traffic stop data (biased based or racial profiling reporting), complaints (internal and external), etc. Such a system can formalize the prevention process and enable the agency to get help to officers before they commit acts from which the agency cannot recover. This will require data tracking and analysis of data that is most probably already being recorded. Coaching, counseling, and employee input play major roles in this system. The Kentucky RCPI has a system they can recommend.

The immediate supervisor being the one to establish the probable cause for a criminal investigation is problematic at best. This puts a tremendous onus upon that officer’s immediate supervisor. The IA Commander would be the best to do such an assessment. This would not be too taxing considering the Criminal cases only account for approximately 1% of all cases investigated in the system.

The monthly reports were identified as an issue during the interviews. It appears that there was at one time a posting of the results of the IA investigations. This no longer appears to be the case. It is unclear why this no longer occurs or why it is believed it doesn’t should it occur. There is great value in posting such results. Internally it reduces rumor, which currently rules the agency as it relates to how internal affairs and supervisory reviews are handled. Also, it can assist in strengthening trust with community members who believe that the agency hides what it does concerning their internal investigations. It appears that the community, or at least a segment thereof, strongly suspects the agency does just that. Overall, there appears to be very little if any review and analysis of data.

- **Investigative Procedures**

- This segment of the policy speaks principally to what forms, timely notifications, employee rights, etc. are to be completed and followed. Although these are important areas to be addressed, they are not of particular concern to this assessment. The process relating to how the investigations are handled is more the focal point. Therefore forms will not be addressed here.
- One area in particular will be addressed and that concerns the subtopic of; Malicious Complaints.
 - This area was addressed by several of those interviewed. It appears that even though the policy is to support and lend cooperation with the employee in seeking appropriate criminal charges against someone who files malicious complaints the practice is that this is not occurring and the perception is that it is discouraged.
 - This again is an issue in which the perception formed and perpetuated by rumor has developed a belief by employees that the aim of all investigations is punitive toward them regardless of the truth of the complaint.
- Confidentiality is another area to be addressed in this section
 - The policy states that the ONLY exception to confidentiality is a legal requirement.
 - The Chief may release information that he determines is in the best interest of the community and department.

Findings

As mentioned malicious complaints are perceived to be disregarded and employees believe they are discouraged to proceed with any form of prosecution.

The release of information to public and agency members is again an issue. As mentioned prior this has led to the overall deterioration of trust internally and externally.

- **Categories of Findings**

- The categories used in this policy are similar in many respects to other policies. However, the "Alter Culpae," "Inconclusive," and "Undetermined" seem to be ones that are seen as problematic to those interviewed and to the assessor.
 - **Alter Culpae**
 - This is used to indicate that the accused may have committed the infraction but that was due to policy, training, lack of supervision or some other "extenuating" circumstance.
 - This was never mentioned in any of the interviews. However, this category can support the sense of protectionism believed to exist by some community members if not defined and regulated closely.
 - **Inconclusive and Undetermined**
 - These terms indicate that there is not enough information to prove or disprove the case - the typical "he said, she said" case.

- An overwhelming majority of those interviewed stated that these categories are avoided at almost all cost. The perception is that is if “Undetermined” or “Inconclusive” is the finding it is the same as stating the officer is not believed and therefore is interpreted as the officer is wrong. Every rank interviewed had this sense and all felt the same.

This is the main portion of the policy this assessment will address. The other portions are support to what has already been mentioned and at this level of review will not be necessary to address. The next segment of this assessment deals with outlining the principle issues identified thus far.

Summary of Principle Issues and Findings

Communication is one of the largest issues. The fact that the agency is reluctant to provide information to the public and agency members during these investigations or after is paramount to the issue of trust. When people fail to receive necessary information they tend to “fill in the blanks” themselves and this allows for perception to take a lead in forming conclusions. In this agency, there appears to be an air of distrust internally and externally for how the agency conducts its IA investigations. Failure of the agency to provide timely and accurate information allows for such perceptions to perpetuate and grow.

Disparate discipline is another area of concern. Even though this assessment was limited in the number of employees interviewed the vast majority saw the agency as inconsistent and biased in how it determined and administered discipline. Again, this is their perception and perceptions are not always grounded in truth. However, perceptions that go unaddressed create realities that the agency may well suffer from and therefore it is in the interest of the leadership of the agency to address perception as if it were a reality to those believing it. One person, usually the Chief, should have the authority to impose discipline in most situations. This minimizes the perception of disparate treatment of officers that is based upon too many people deciding what type and how to administer discipline.

Over taxed first line supervisors has been identified as a contributing source to the failure of support to the current IA investigative policy. All first line supervisors perceived the investigations they are taxed with to be in direct competition with what they perceive as their primary duty; that being supervising the officers on their shifts. They see the agency as getting younger every year and thus requiring more direct supervision. Their ability to provide this supervision is diminished greatly when they spend over ¾ of their shift away from the street and the officers they serve.

Conflict in role was also identified as an issue by the first line supervisors. The supervisors saw their position as one closer to the officers than those of higher rank. This is true in many respects and it has been clearly shown that such a position puts that supervisor in a precarious position since they are working for operations and the management in a sense.

Practice does not follow policy on accepting complaints. The policy states that complaints will be taken from any source. This includes anonymous, juveniles, and arrested persons as examples. Those interviewed clearly did not practice this complaint intake policy. Most of those interviewed stated they would never take a third party or anonymous complaint.

Not all complaints are documented when received or handled informally. It also appears that the practice varies concerning informal handling of complaints. Some interviewed stated that they would advise the immediate supervisor of the officer of which they handled a complaint of the situation and others would not. Some mentioned that they might also advise IA of such a situation. Inconsistency in practice appears common on this point.

Inconsistency in application of the policy and who is investigated and how that investigation is handled was identified as an issue by those interviewed. Many interviewed believed that since each supervisor and each Captain is in a position to proceed or not with some investigations based upon what they saw to be true or not created an inconsistency in how investigations were initiated and investigated. Again we are looking at perception. However, the current system creates opportunity for this to be fact and certainly it supports the perception that such inconsistency exists.

Use of Force reporting procedures were identified as a large concern to supervisors and officers. The current beliefs and terminology appear to support a perception by those interviewed that each use of force applied in the field creates an administrative review equal to those of the internal affairs system. In reality what appears to be in place is a system to report use of force to ensure proper application as well as determining effectiveness of training. There is actually little if any investigation and the reporting is standard. The terminology used to reference the reporting (a review) helps support the perception from some that every time they apply force they are undergoing another administrative review that adds to the officer's internal affairs file and therefore has a negative connotation.

Lack of internal affairs training for investigators was also identified as an issue. None of those interviewed indicated that investigators assigned to an internal affairs system investigation had received any specialized training. There also did not appear to be any training or education specific to managing an internal affairs unit.

Lack of data analysis concerning data collected that applies to internal affairs system reporting. It appears that there is useful information acquired to assist the agency in identifying training issues, effectiveness of techniques, potential problem officers and to aid in policy review. Those interviewed did not indicate that such analysis was generally being performed and if so it was not by way of a systemized process that mandated it for specific reasons. Such data analysis would be very helpful for the agency and could also be used to educate the public and the employees. The department should have a system to track racial profiling patterns. If so, use those data.

Perception of a lack of input from resident experts was noted from some of those interviewed. This issue was made specific to use of force reviews and internal affairs investigations that might require some expert knowledge in order to garner the fullest understanding of the case at hand. The perception is that those within the agency who might have such expertise are not sought

after to assist. This perception has created a belief in some that the individual officer does not have much value to the organization in this regard. This in turn may well create some issues concerning job satisfaction and lead to low participation.

No utilization of an Early Warning System was noted. As mentioned earlier, this Early Identification and Intervention System (EIIS) would assist in identifying officers that are approaching a point that would cause them, the agency or both to suffer from issues that could well damage integrity and public trust. Once identified the system would put in place opportunities to correct the identified issues and allow the officer to make the corrections before the issues are too far advanced.

The rotation roster used to draw investigators from was also identified as an issue. The practice simply does not follow policy here. In what appears to be an effort to provide the best investigation possible, the agency circumvents the roster and assigns who they believe is best suited for that particular investigation. This again lends to the perception of disparate treatment of offices in the IA system.

Only 1% of the cases investigated are criminal cases, the remaining are administrative reviews. It appears that in such a case one unit could well handle all IA System cases and this could assist in providing better investigations and help mitigate some of the workload of the first line supervisors.

Lack of trust in the system by the officers as well as the public seems to be common. As mentioned in a number of the previously identified issues this lack of trust has become an underlying theme. Left unattended the pressures felt currently will only grow more intense. Public pressure and de-policing are common reactions to this issue.

Some citizens believe that there are indications not all use of force being used in the field may be justified. Several first line supervisors indicated that they believe this as well, suggesting a failure in the system concerning this issue.

The findings of "Undetermined" and/or "Inconclusive" are avoided. The overwhelming majority of those interviewed stated that in almost every situation in which a finding should be "Undetermined" or "Inconclusive" that finding would be avoided and the finding of "Proper" would be used instead. The reasoning was that the perception from employees was that a finding of "Undetermined" was the same as considering the officer as lying and it was considered a negative finding for the officer. Such a practice undermines the process and fails to consider how this impacts the complainant.

STRATEGIC RECOMMENDATIONS

The agency should consider completely revamping the current IA System. The following applications would be helpful in correcting a great number of the issues identified:

1. Establish a Professional Standards Unit
2. Staff the Unit with trained investigators, supervisors and managers
3. Have this Unit conduct the vast majority of administrative reviews and all criminal cases
4. Conduct criminal cases before any Administrative Review is conducted
5. Determine what information can be released by law concerning IA cases and commit to releasing information internally and externally when possible
6. Separate Use of Force Reporting from the IA system of review.
 - o The following process should be considered for use of force
 - Have reporting procedures clearly outlined in separate policy
 - Have commanding officers respond to each use of force incident and;
 - Take photos
 - Conduct brief interviews of those involved when possible
 - Complete report and identify issues
7. Make reporting data available to employees and public
8. Engage in data analysis as described earlier in this report
9. Consider using resident experts to assist in special cases when warranted
10. Establish an Early Identification and Intervention System (EIIS)
11. Create more opportunities to disseminate information and garner input from employees and citizens concerning issues of trust.
12. Make the Chief the principle agent in assigning discipline
13. Have the Professional Standards Unit Commander review past discipline to insure consistency in application of discipline
14. Establish a system of progressive discipline
15. Create an internal review process to insure consistency and to identify training and policy needs.
16. Consider employing a more open-systems approach to IA System. Refer to the elements of community policing to assist in this area.
17. Separate standards of conduct items from IA Systems policy and place into the policy that deals specifically with standards of conduct.
18. Change terminology in order to reduce confusion and false perceptions
19. Consider creating a process to document informally handled complaints. This will assist in identifying patterns of conduct that have not quite reached the level necessary to become a full blown investigation. This could preempt larger issues.
20. Training in ethical decision-making for all employees

Additional Recommendations

The Office of Community Oriented Policing Services has created a training course on Citizen Complaint Intake Issues. They suggest that agencies consider using the following process when designing the complaint intake process. (Please see attached flow chart.)

Complaint Registered (Internally or Externally Generated)

At this point in the process the complaint is documented and entered into the department's system. In departments where there is a formal Internal Affairs function the complaint is forwarded to this unit for processing. In some departments the complaints become part of an Early Warning or Early Identification System to find and assist officers with potentially problematic conduct.

Screen (Complaint Categories)

This step is used to determine the nature and seriousness of the complaint. Complaints are either classified as criminal, administrative or both and assigned accordingly. Complaints can proceed on two different tracks.

- It may be investigated either as a criminal or an administrative complaint.
- It is also possible that both investigations could take place depending on whether the nature of the complaint involves alleged criminal wrongdoing or behavior that will be dealt with administratively within the department.
- Or, it is also possible that one investigation leads to or serves as the basis of the other (for example, criminal=>administrative or administrative =>criminal)

Complaint Documented and Filed

At this point in the process it is possible that a complaint of a minor nature was investigated by the local supervisor, documented and forwarded to Internal Affairs. He or she may have talked with the complainant and the officer and discovered that it was a misunderstanding that could be cleared up with a call from the supervisor.

It is also possible at this point to find that there was not enough evidence to investigate. This is often true in anonymous complaint situations. It could also be the case that there could be intelligence information concerning criminal allegations that have been investigated, but will require additional information prior to a successful completion of a case. (e.g. an anonymous call about an officer who routinely steals narcotics on the street).

What is important in these cases is to document the actions taken and the resolution of the dispute; and preferably, maintain the documentation at a centralized location.

It is important that this documentation be part of a complaint system that tracks actions on complaints, so that should there be some future question regarding this complaint or the officer's conduct, the complaint and the action taken can be retrieved.

It is important that, when a complaint is registered, the person doing the intake needs to ensure that evidence of a transitory nature is not lost (e.g. items presented to person taking the complaint as proof or bruises, etc. need to be captured in a photo).

It is important as part of the tracking and documentation practices that local supervisors be required to pass this information onto someone else to review. If this is not done, there is no opportunity by the organization to see patterns of misconduct, or identify where supervisory issues may be the problem.

Criminal Complaint

As was discussed earlier, a citizen complaint may produce an administrative complaint based on violations of an agency's policies or procedures. That same citizen complaint can also result in a criminal complaint action and/or prosecution. If in the screening process it is determined that the complaint is a criminal one then it would proceed down this track.

Here the investigation or complaint might be turned over to the prosecuting attorney's office. In some departments there might be special investigative units, such as homicide, domestic violence, or sexual assault units that investigate these complaints. It is even possible that another agency be requested to conduct the investigation to mitigate the perception of bias.

Often an Internal Affairs or Internal Investigative unit carries out the investigation of criminal complaints. There are a variety of reasons why a department might want to wait until the criminal investigation runs its course before initiating an administrative investigation.

In all states the *Garrity* rule also applies. In *Garrity v New Jersey* (385 US. 493 1967) the U.S. Supreme Court ruled that if a police officer is charged administratively, and is required under civil service law or it is a requirement of the job to give a statement, the *Garrity* rule says that that statement cannot be used in criminal proceedings.

Depending on the situation and rules governing administrative investigations, the two investigations may sometimes occur in parallel, however this is not recommended.

Administrative Complaint

If the result of the screening process determines that a complaint is an administrative issue, then it would go to those assigned by the organization to investigate these complaints. At this point in the process a written notice is sent to the complainant and/or officer. This notice documents that the department has received the complaint and that it will investigate it and notify the complainant of the outcome of the investigation. Some departments provide the complainants with a phone number and the name of a person they can contact to find out the progress of the investigation and/or to help answer any questions they might have. Additionally some departments provided complainants with brochures detailing the process. The written notice should also include an expected time frame for the completion of the investigation and determination of the outcome.

Whether in writing or verbally, it is important that complainants be aware that they may need to appear and give a statement at a hearing, should the investigation call for it. It is important to be able to gain the cooperation of the complainant in a way that does not discourage him or her. This may be difficult to do, as the complainant may be reluctant to appear and speak against a

police officer. An IA investigator may be able to gain the complainants' cooperation by emphasizing that without them no misconduct can be corrected. Willingness to and effectiveness in working with complainants to gain their trust and cooperation is an indicator of the level of commitment of a department to dealing with the issues raised.

Administrative Investigation (Fact Gathering and Reporting)

Officers and citizens need to be assured that the key point to the investigative process is to find out what really happened. The citizen should feel that the department really wants to find out what happened. The officers should feel that they are not the objects of a witch-hunt. Key points to consider:

- The process needs to *be* and *be perceived* as fair and impartial.
- Investigations of citizen complaints should be undertaken in the same timely and thorough fashion as any other investigation.
- Keeping careful documentation, taking pictures and getting witness statements can go a long way in convincing all concerned of the fairness of the investigative process. Additionally, tape all interviews and transcribe them if possible.
- Another important characteristic is that the process be "transparent." That means that the process itself should be clear to all officers and understood by community members.
- This "transparency" does not mean that if there is confidentiality afforded the officer, complainants' or witnesses' that confidentiality should be violated. Rather, it means that the process be conducted fairly and uniformly and within a timeframe that enables all parties to feel that their rights were honored.
- The complaint taking processes and preliminary investigations being done thoroughly and seriously can contribute to building and maintaining trust with citizens.

Administrative Adjudication

Following the fact gathering and reporting activities there is generally one of two ways in which the process proceeds at this point and a recommendation is made to the Chief.

- **Finding of Fact** - "Finding of Fact" is a determination made by the appropriate authority within the agency – the head of Internal Investigation or other appropriate authority
- **Hearing** – A hearing is a "quasi judicial process" generally overseen by someone outside of the investigation at which the officer appears, generally with some counsel and is questioned regarding the incident that is the subject of the complaint

Often both the "Finding of Fact" and the Hearing process make a recommendation in the form of a disposition.

SPECIFIC INTERNAL AFFAIRS RECOMMENDATIONS

- CPD should revamp G.O.-051 and examine their current structure as it applies to internal investigations incorporating the above principles. It was found that many requirements currently written in policy were not the Department's custom or practice.
- To ensure consistency, CPD should establish a new "Professional Standards Unit" made up of at least at least three commanding officers (Captain and Lieutenants and/or Sergeants) to do all administrative investigations. The unit commander should answer directly to the Chief of Police. The name change from Internal Affairs to Professional Standards is intended to facilitate the transition to the new system. The unit will be responsible for administrative investigations and the oversight of employee criminal investigation. The unit should also review all uses of deadly force, in-custody deaths and deaths or serious physical injury that results from police action. The unit should have the latitude to call on any departmental member or any outside authority with special investigative knowledge or experience to assist in any investigation as needed. For example, when dealing with a serious traffic accident, officers with an expertise in fatal reconstruction should be called upon but should answer to and be required to report all findings directly to the Commander of Professional Standards. Because the unit's members should have basic expertise, this should be the exception and not the rule. The unit should be the central repository of all complaints, administrative investigations, criminal investigations involving members, and disciplinary action. The change is recommended because the current process employed by CPD appears to be problematic in several ways:
 - Supervisors may have been involved in the same incident that is the subject matter of the complaint.
 - Supervisors may process complaints and investigate complaints so they don't reflect negatively on themselves and their role as a supervisor.
 - Supervisors may allow their knowledge of the officer or the complainant to determine the outcome of an investigation - the "halo" effect.
 - Supervisors differ in their level of ability and have different personalities, styles, and ethics. Numerous supervisors will have different findings and discipline differently for similar complaints. Officers and citizens resent inconsistency.
 - Because of the disparity in the outcome of investigations (complaints) comparing data by shift, platoon, etc. becomes inaccurate.
 - Criminal investigations appear to be turned over to the lead investigator without direction or oversight.
 - Criminal investigations are done by officers of the same rank as the accused.

- To ensure consistency, the Chief must be the ultimate authority to determine the disposition of all administrative investigations and to dispense discipline based on the facts of the case. All discipline, except emergency suspensions, should await his approval. In most cases, the chief should take into account mitigating circumstances; determinate discipline should only be employed when cases are exactly the same, such as tardiness. Except in rare instances progressive discipline should be employed. As noted above, supervisors should be able to impose an emergency suspension upon a subordinate member when it appears that such action is in the best interest of the department for such infractions as gross insubordination, criminal actions, reporting for duty under the influence of alcohol, etc. Supervisors should also be responsible for investigating such administrative violations such as sick leave abuse and tardiness and should forward the results to the Chief and Professional Standards through the chain of command. So not to give the impression of undermining supervisory authority, it is appropriate for the chain of command to have input into the decision-making process. Complaints which are likely to have a serious adverse impact upon the department should be reported immediately to the Chief of Police. The Chief should communicate in writing to the complainant and the member his findings and what action has been taken at the conclusion in the investigation of any complaint.
- All members should be required to immediately notify their commanding officer or a civilian supervisor of any violation of orders, policy or procedure by other members or mismanagement related to the effective and efficient operations of the department. Supervisors must be required to document specific violations.
- Policy should allow officers or the department civilians to bypass chain-of-command by going directly to the Professional Standards Unit or the Chief, if necessary, to file a complaint or bring a matter to the department's attention. This may be necessary if a member in the chain of command is the subject of the investigation or in cases of sexual harassment or racial discrimination. However, officers doing so must be required to justify why the chain-of-command was bypassed.
- The written policy of accepting complaints should be followed. All employees should be well versed in the complaint process and be prepared to answer questions from citizens. If a citizen approaches a departmental member, other than a commanding officer, the member should immediately notify a commanding officer. Supervisors should view the complaint process as an opportunity to increase the level of understanding between the department and the community. The supervisor should determine if the complainant wishes to have the commanding officer attempt to resolve the concern or file a formal complaint. Informal complaints can be dealt with by the supervisors. But the decision of whether a complaint is formal or informal should be the complainant's – not the decision of the officer receiving the complaint. A word of caution, supervisors must not abdicate their responsibility to control the behavior of their employees by passing all complaints off to a formal investigation. Commanding officers should be encouraged to resolve minor concerns if the concern can be resolved to the satisfaction of all parties. However, if the complainant desires a formal investigation the supervisor should accept the complaint and refer the matter to the Professional Standards Unit (Internal Affairs) for investigation.

- Disputes over the validity of criminal charges do not automatically constitute a violation of the department's policy. Such "complaints" should not be considered unless additional facts indicate such a violation has occurred. Persons with concerns about the validity of a criminal charge alleged against them should be urged to settle the matter in a court of law.
 - Complaints should follow two distinct tracks: Criminal and Administrative. Upon receipt of any complaint a determination should be made if there is a criminal element to the case.
 - Cases with a criminal element should follow a criminal track first. All criminal cases of officers and police employees should be worked like any other criminal case with two exceptions: The investigator should be of a higher rank than the subject of the investigation and the investigator should report directly to the commander of the "Professional Standards Unit". All information gleaned in the criminal case can be used in the administrative case. However, because of Garity, the reverse is not true. It is not advisable to run both the criminal and administrative case simultaneous. So called "parallel" investigations create problems and jeopardize the criminal case. Professional Standards will be responsible for administrative investigations and the oversight of employee criminal investigation. As earlier noted, the unit should have the latitude to call on any departmental member to assist in investigations if needed. However, this should be the exception and not the rule. All information in a criminal case should be turned over to a prosecutor for final determination on whether or not prosecution is pursued. Obviously all cases that follow a criminal track, unless unfounded or the subject of the investigation resigns, should result in an administrative investigation.
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- All investigations, including criminal investigations, should be completed by someone of a higher rank than the subject of the investigation. Nothing impedes an investigation and effects long term daily operations more than the hard feeling resulting from officers of equal rank investigating each other. Additionally, a valid concern may be brought into question about all possible evidence and all possible witnesses being interviewed if the investigator knows they must return to work with or for the subject of the investigation.
 - Prior to questioning, departmental members should be notified of a complaint filed against them with sufficient specificity so as to fully inform the member of the nature and circumstances of the alleged violation in order that the member may be able to properly defend themselves. However, the department may require the member to submit a letter addressing the alleged incident prior to an investigation being initiated. A letter containing such basic facts will allow the department to properly chart its course of action.
 - When a member becomes aware of a complaint against him he should not knowingly have contact with the complainant or witnesses until the case is disposed. Any contact should be immediately reported.

- The initial complaint should be reduced to writing containing the crux of the complaint. At a minimum, the complainant should be asked to sign the complaint; however the failure to obtain a signed complaint should never be the deciding factor on whether or not the department initiates an investigation. After the initial complaint is received a more detailed, recorded interview should be obtained from the complainant.
- All interviews should be conducted using two investigators unless exigent circumstances exist. The interviews of all witnesses should be recorded and transcribed to minimize misunderstanding. This includes both witnesses for the complainant and the member. The transcription should number all questions and answers for reference later.
- Standards should be established and followed for keeping citizens and officers up to date on the status of their case.
- All critical incidents should be reviewed by the unit to identify deficiencies in policy and procedure, ensure policy and procedures were followed, and identify needed training.
- Case files should be organized and include tabs for each section. Files should include the following:
 1. Criminal Investigative File if applicable
 2. Miscellaneous Information, such as:
 - Radio Tapes
 - Dispatch Information (CAD)
 - In-car Camera Tapes
 3. Officer's Photos
 4. Interviews:
 - Complainant
 - Witness (Complainant's and Employees)
 - Accused Employee
 5. Documentation
 - Medical Records
 - Photos
 6. Initiation letter / Complaint Statement
 7. Discipline History
 - Who was interviewed, when, by whom?
 - Steps taken to obtain documentation or interviews
 8. Case Investigative Record
 9. Investigators Summary, Findings and Conclusions
 - Summary is a brief synopsis of the case (an executive summary)
 - The Findings and Conclusions should reference specific policy violated
 - I.e. Violation of G.O.-01 Truthfulness - 1 count sustained
 - All information in the Findings and Conclusions should be documented, i.e. supporting information should reference a specific piece of evidence or interview. "Officer Jones warned the subject three times that if he failed to comply he would be Tasered (Jones Q-32 [question 3], Smith Q-67)"

-Specific policy should be included as an appendix to the Findings and Conclusions

10. Reviewer's findings (Professional Standards Commander)
 - concur/does not concur and reasoning
11. Case File Check list (Ensures all required documentation is included)
12. Case Tracking form
 - Used as a chain of custody
 - Tracks when the file was transferred up the chain
13. Chief's Findings
 - Includes letters to complainant and member

- The investigative findings in an administrative case, including supervisory review, be changed to include:
 - **Proper (Exonerated)** - The incident occurred but was lawful or proper.
 - **Improper (Sustained)**– sufficient information to prove the allegation.
 - **Undetermined (Not Sustained)** – There was not sufficient information to either prove or disprove the allegation. Also referred to as inconclusive.
 - **Unfounded** – The allegation is baseless or false.
 - **Cleared by Exception** – The complaint is closed by the Chief of Police or the complainant withdraws the complaint. CPD's Alter Culpae would also fall into this category. In an administrative investigation the case is closed by exception if the officer is no longer employed by the department. This does not prevent the department from seeking criminal charges if appropriate.

Note: There currently appears to be an assumption that an internal investigation cannot be unfounded. There is a difference from the viewpoint of the target of the investigation if actions are found to be "proper" but were initiated with intentional disregard for the truth.

- Information on how to compliment the actions of, or complain on, a police officer should be published and clearly available on the CPD web site. Brochures should be published for public distribution that outline the process and:
 - State the Department's mission
 - State the department's values, highlighting and building from "We treat all people with respect" and "We create partnerships."
 - Clearly outline the steps in the complaint process
 - Outline how to compliment a department member
 - Contain times and location of Professional Standards
 - State how any Commanding Officer will take a complaint at any time and how to make contact.

Reports

All complaints investigated by the Professional Standards Unit should be reviewed on a routine basis to determine patterns of conduct by any officer, or group of officers, which appear to establish an environment that is detrimental to the community or to the Department.

The unit should also serve as an "early warning" by being responsible for reviewing all available statistics, individually and as a whole, to identify an employee whose actions are out of the norm. An early warning system or Early Identification Intervention System helps identify officers with behavior that may be potentially problematic and serve as an intervention strategy to help these officers. Basically, atypical behavior is identified in two ways: by reviewing statistics in individual categories and by reviewing combinations of categories. Obviously, multiple performance indicators provide a broader base of information about an officer's performance. Indicators may include the review of: arrests, citations, complaints, discharge of firearms, use of force reports, injured prisoner, vehicle pursuits, use of chemical agents, use of electronic control weapons, strip searches, consent searches, racial and sexual profiling, no-knock warrants, vehicle accidents, search warrants, sick leave usage, off duty employment requests, failure to appear in court, etc. When an officer or department civilian is identified, the unit should forward the information through the officer's chain of command for justification and or intervention. The department should decide what categories, and combination of categories, should be included. Reasonable thresholds and time frames should be established by the department to identify what actions justify additional scrutiny. For example using an electronic control weapon more than the Departmental average may be considered abnormal and be flagged for additional examination by the officer's chain of command. Or, a review of an officer who has had two vehicle accidents and was disciplined for falling asleep on duty may find numerous off duty employment requests. There are times when an officer's actions may appear abnormal but may be justified. For example an officer riding a traffic car on a beat in a minority community may appear out of the norm for writing citations to minorities. Early intervention programs are relatively new to law enforcement and are the topic of a multitude of information available through law enforcement professional organizations. However, the basic premise is to examine all information available individually and in its totality. Having a database that tracks the use of electronic weapons is of little use if data is just gathered and not examined. Volumes of information on early intervention are available through law enforcement professional organizations. The Kentucky RCPI has a system they can recommend.

Weekly the unit should publish, for the Chief's review, a report outlining any new case opened, including critical incident reviews, and all cases closed during the period. The report should break down criminal and administrative cases and include: The PSU report number, date opened, investigator, employee involved and assignment, summary of complaint, possible charges and any pertinent additional notes.

Monthly the unit should publish, for the Chief's review, a report outlining the status of all cases broken down by current length of investigation (i.e. less than 30 days, 30-60 days, greater than 60 days, and cases on hold pending criminal investigation). The report should include all information in the weekly reports and include the number of days the case has been opened.

Quarterly the unit should publish a personnel action report to quell rumors and alleviate the fear of disparaging treatment both internally and externally. The reports should include all disciplinary actions, commendations and complaint dispositions for sworn and civilian personnel. Notes of commendation may include the departmental member's name i.e.

On 2/14/07 the Chief received a letter of appreciation on Officer Todd Anderson from a citizen thanking him for going beyond the call of duty when responding and investigation a hit and run vehicle accident.

Disciplinary actions should have all names redacted and be published in a general format i.e.

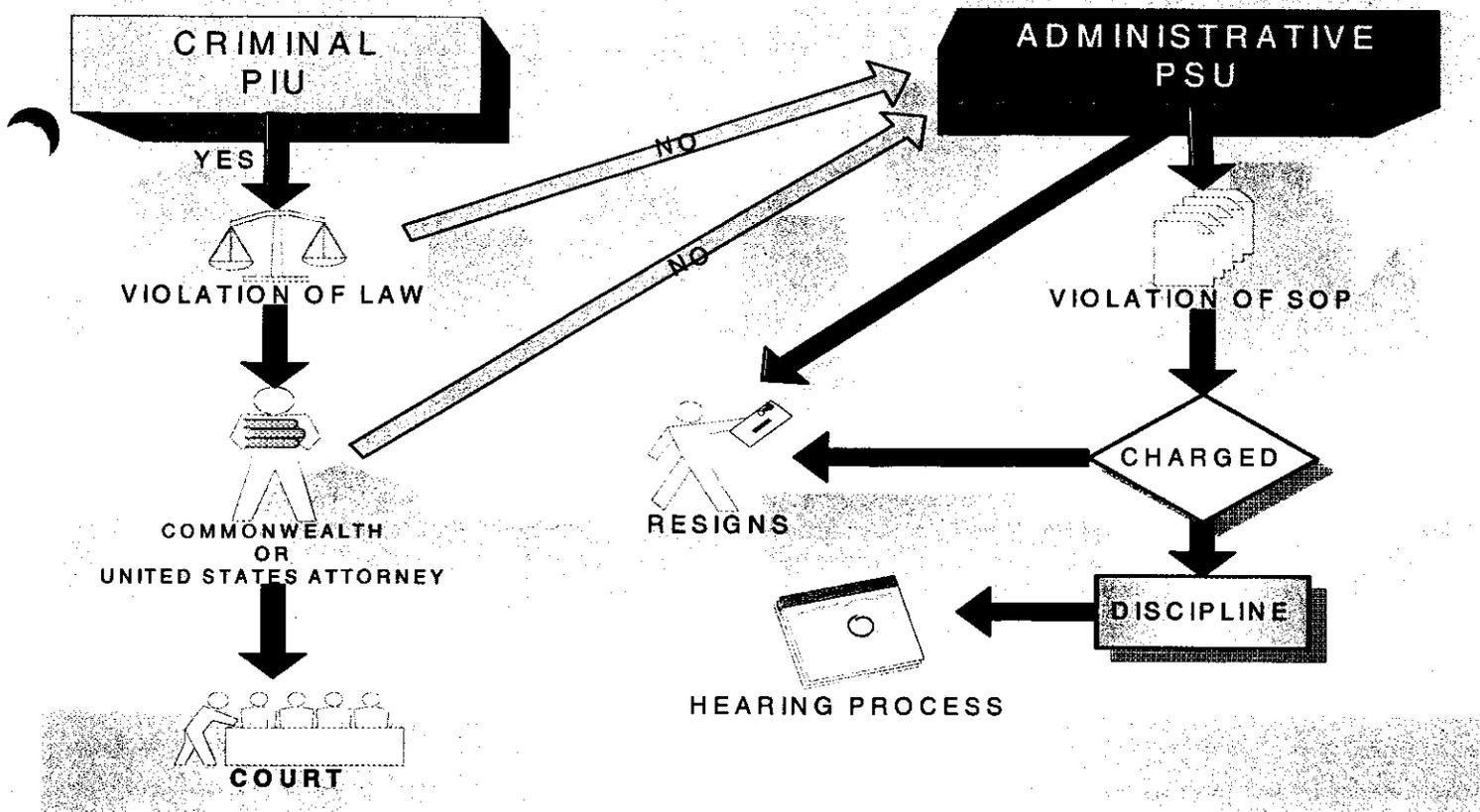
Case # 07-045 An investigation of an officer regarding the allegation that officer pushed complainant's son to the ground during a traffic stop. Violation of GO. 9.1.3 Use of Force – Exonerated – Mobile Video System recording of incident supported officer's statements

The unit should also publish quarterly reports including:

- A summary of all cases, comparing year to date to prior years, broken down by how the case was initiated (internally or externally).
- The findings of cases (# of sustained charges [at least one], # exonerated, etc.),
- A matrix of rules and regulations (Courtesy/Respect, Violation of Law, Use of Force, Conduct Unbecoming, etc) that are considered, broken down by resulting findings (Courtesy/Respect 6 total, 1 Sustained, 3 Exonerated, 2 Not Sustained),
- A matrix of total rules and regulations considered compared to prior years (Use of Force 2006 - 6, 2007 - 2)

Annual reports should be a combination of all reports comparing current data to that of prior years. Training should address problem areas.

On the following page is a Power Point slide used during presentations on internal investigations:



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RESOURCES

RCPIs are committed to assisting implementation of any recommendations contained in this report. If training programs, organization development, research, or consultation assistance is desired, the chief/sheriff can request those services through the regional RCPI.

The agency may find the following books, monographs, and websites helpful:

- *Community Policing: How to Get Started*, (1998) by Robert Trojanowicz and Bonnie Bucqueroux.
- *Managing Innovation in Policing The Untapped Potential of the Middle Manager*. (1995) by William A. Geller and Guy Swanger Geller, W. A., & Swanger, G. Washington, DC: National Institute of Justice.
- *Community Policing in a Rural Setting*. (1997) by Quint Thurman and Edmund McGarrell (*contains a number of articles relevant to smaller cities in a rural or isolated setting*).
- *Community Policing Resource Allocation*, by the Community Policing Consortium.
- *Community Policing Deployment Models and Strategies*, by the Community Policing Consortium.
- *Differential Police Response Survey*, by the Community Policing Consortium.
- *Organizational Assessment Instrument: Development, Implementation, & Findings*, by Kevin Plamondon & J. Kevin Ford, The Michigan Regional Community Policing Institute. A research document with great insights into the incongruencies found between management and line officers in the implementation of community policing. <http://www.cj.msu.edu>
- GIS funding and crime mapping information. <http://www.ojp.usdoj.gov/cmrc/>
- Department of Justice, Office of Community Oriented Policing Services for access to all RCPI specialties. <http://www.cops.usdoj.gov>
- "Community Oriented Policing: A Force for Change." Summary document 2001. Neighborhood Problem Solving, Personnel Policies, Democratic Participation and Collaborative Information Gathering. Provides examples of cities implementing innovative change. <http://www.policylink.org>

Appendix I

Ed Brodt Bio

Ed Brodt is currently the Associate Director with the Kentucky Regional Community Policing Institute where he has been a consultant/trainer since its inception in 1996. He served as Chief of Police in Anchorage Kentucky from July 1994 through July 1997. Ed retired as a Captain from the Jefferson County Police Department after twenty (20) years of service to accept the chief's job in Anchorage. He holds a Master of Science degree in Criminal Justice Administration and a Bachelor of Science degree in Police Administration from Eastern Kentucky University. He is also a graduate of the Southern Police Institute at the University of Louisville. Ed has served as adjunct faculty at the University of Louisville where he taught Police Administration and Police Management. He has been a certified police Instructor in Kentucky for over twenty (20) years. Ed was certified as a Problem Based Learning (PBL) Instructor in 2005 and has been using the PBL model to teach problem solving to Kentucky agencies.

In addition, Ed has served a term on the Kentucky Law Enforcement Council in 1995. He has made presentations to numerous groups including the International Association of Police Planners, the Kentucky Municipal Risk Managers Association, the Kentucky Women's Law Enforcement Network, and the US Department of Justice Office of Community Oriented Policing annual conference.

Major Tim Emington Bio

Major Emington is a 31 year veteran of Law Enforcement. He rose through the ranks to Major on the former Jefferson County Police Department (JCPD). His staff commands on JCPD included: David District, the Dive/Rescue Team, Professional Standards (IA), Technical Services, and Special Investigations.

In 2003, Major Emington was chosen to serve on the first command staff of the newly merged Louisville Metro Police Department. He currently serves as the Commander of the Special Investigations Division and is responsible for the Internal Affairs Section, comprised of the Professional Standards Unit and the Public Integrity Unit. In addition, his division includes the Criminal Intelligence Unit, the Narcotics/Vice and ABC units.

Major Emington is a certified Kentucky Law Enforcement Council Instructor and is a recognized authority on officer involved investigations. He has lectured numerous times on internal affairs topics and was a guest speaker at the 2004 Kentucky Association of Chiefs of Police Training Conference.

Major Emington is the liaison to the two civilian review boards working with the department. The Citizens Commission on Police Accountability reviews the investigations into all officer involved critical incidents resulting in death, such as officer involved shootings, fatal vehicle accidents and all in-custody deaths. The Police Merit Board oversees the department's administrative discipline process. Major Emington was instrumental in the development and implementation of the department's Public Integrity Unit, which oversees all criminal investigations involving government employees.

He has a Bachelor of Business Administration from the University of Kentucky and is a graduate of the DEA Drug Unit Commander's Academy and the Southern Police Institute.

Tracy A. Schiller Bio

Tracy Schiller is a Training Specialist for the Kentucky Regional Community Policing Institute at Eastern Kentucky University. He is a project director and trainer involving numerous KY RCPI grant activities, including police ethics and integrity, problem solving, and community assessments.

During his twenty-five year law enforcement career, Tracy served with the Shelbyville Police Department, Shelbyville, KY, where he moved from the rank of Patrolman to Captain and served as the Assistant Chief. Tracy also served with the Louisville Division of Police, Louisville, KY, and Louisville Metro Police after merger where he retired as Major and Assistant Chief in 2003.

While in Louisville he was a member and team leader for the Special Weapons and Tactics Team (SWAT). He served as a detective in the Crimes Against Children Unit and while assigned to the Domestic Violence/Sex Crimes Squad he assisted in the implementation and supervision of two grants funded by the Violence Against Women Act. He also served in the Division's Robbery Squad. Tracy was commander of the Training Unit and has trained Division personnel in the area of Domestic Violence, Sex Offenses, Leadership, and a number of other topics.

He has served as an instructor/trainer outside the police department for many topics and in August 2000, he was a member of the Training Committee for the PEACC Program at the University of Louisville where he helped implement professional training and public education in accordance with a VAWA grant from the USDOJ. Twice in 2000 he served as an instructor in Domestic Violence for the "Healthy Community Partnership" program in Constanta, Romania.

Through the Kentucky RCPI he served as a principle instructor for the "Community Oriented Policing to Prevent Domestic Violence Course" in 2001. He serves as a principle instructor for the "Ethics For line Officers Course," the "Command Level Ethics Course", the "Use of Force" class and the "Early Identification and Intervention" classes and has done so since 2002. He has presented to police departments throughout Kentucky on all topics.

He is a graduate of the Southern Police Institute's Administrative Officer's Course of the University of Louisville and the FBI National Academy in Quantico, VA.

Tracy also currently performs volunteer work for the Jefferson County 4-H Council where he serves as Assistant Secretary and also serves as President on the Metro West 4-H Zone Committee.

Aaron Thompson, Ph.D.
Bio

Dr. Thompson is the Associate Vice President for Academic Affairs and a Professor of Sociology at Eastern Kentucky University. Thompson has a Ph.D. in Sociology in areas of Organizational Behavior/Race and Gender relations. Thompson has researched, taught and/or consulted in areas of assessment, leadership, ethics, research methodology and social statistics, multicultural families, race and ethnic relations, and organizational behavior. He is extensively trained in written survey development and administration, face-to-face interviewing, focus group facilitation and all other quantitative and qualitative research methodologies. His work in assessment and evaluation has been done at both at an applied level (evaluations of community organizations/programs and complex organizations such as police departments and corporations) as well as the theoretical level (teaching statistics and methods at a graduate and undergraduate level, and employing it in scholastic research).

He is nationally recognized in the areas of educational attainment and academic success, African American fatherhood, divorce in the Black family, and Black and White differences in marital expectations. His latest books are "Focus on Success" and "Black Men and Divorce". His upcoming co-authored book "Thriving in College: Research-Based Strategies for Personal and Academic Development," will be out in the spring of 2007. Thompson has traveled over the U.S. giving speeches and conducting workshops in areas of race and gender diversity, living an unbiased life, overcoming obstacles to gain success, workplace interaction, organizational goal setting, building relationships and a variety of other topics. In addition, Thompson's research has been cited in popular publications such as *Cosmopolitan*, *Baltimore Sun*, *Orlando Sentinel* and others.

Thompson has worked as an individual consultant with many police departments and has supplied many police officers with various training based on his expertise (diversity, total quality management, strategic planning, community development, leadership, ethics, etc.). Thompson is certified by the *Kentucky Law Enforcement Council* to conduct training and teach in areas of Diversity, Leadership, Ethics, and Strategic Planning. He also serves as a faculty member for the *Illinois Law Enforcement Executive Institute* where he teaches Chiefs and other command officials in areas of Executive Leadership, Strategic Planning, and Total Quality Management. He has also been *POST* certified by the State of Missouri. In addition, he is certified as an **Ethics and Integrity Train-the-Trainer** by the *United States Department of Justice* and **Onsite Assessment Team Leader** by the *Western Regional Institute for Community Oriented Policing*. He has also worked in collaboration with *The US Department of Justice Community Relations Division* designing community/policing groups to enhance their relationships. For the last nine years, he has worked with the RCPI at ECU and serves on the Executive Board.

APPENDIX II: PROGRAM EXAMPLES

COMPREHENSIVE COMMUNITY POLICING

Community Based Policing—Dayton, Ohio. The community based policing program aims to strengthen the relationship between the police department and the public. Program coordinators assign an officer to a sector—a geographic area of approximately eight to fifteen square blocks. Sectors within a district are evaluated on criteria such as calls for service and criminal activity. The district commander chooses one of five sectors with the most need for service for the next community-based policing program. Individual officers volunteer for the assignment. During the first three months, the officers selected for the program are free from responding to calls for service. The officers are responsible for knowing everyone in the sector, for developing an understanding of the concerns in the sector, and for addressing them.

The community is encouraged to provide the police officers with office space. The offices are donated and available to the officers seven days per week, 24 hours per day. Each community-based officer serves as the area's personalized officer. The officer has a pager and telephone answering system. The community-based officers are responsible for helping the neighborhood residents to make a list of safety concerns and for devising strategies to address those concerns. The officers also initiate projects in the community, including removal of abandoned vehicles, community meetings, neighborhood clean-ups, and programs for youth. After the first three months, the officers are available to respond to calls for service in their area. Officers combine foot, motor, and rollerblade patrol to make themselves visible in their area.

Contact Jaimie Bullens (5th District), 335 W. Third St., Dayton, OH 45402; (937) 333-1285 or Lieutenant Randy Beane, (937) 443-4538 (regarding new program, BEAT Responsibility).

Community Oriented Policing—Providence, Rhode Island. The community oriented policing program attempts to encourage a feeling of community among residents in neighborhoods by making police more accessible and meeting the following four goals:

- increasing the percentage of residents who own houses or condominiums;
- reducing the number of vacant buildings and lots through coordination with city agencies and property owners;
- eliminating existing drug houses/havens; and
- informing residents on consulting and counseling services.

The program makes police more accessible to the public by establishing 18 community policing storefronts that are staffed by police officers or community volunteers. During off-peak hours, the storefronts maintain a telephone answering service. Officers check in with their individual answering machines for messages and information. The police officers also help organize neighborhood clean-ups, removal of abandoned autos, securing of burnt-out buildings, and removal of trash or debris from vacant lots and buildings. In addition, the police officers go “door-to-door” canvassing the neighborhoods. This community policing effort provides officers with the opportunity to establish a rapport with the citizens and to develop trust between the two parties. Officers maintain a log of citizen and community contacts, which can later be used for coordinating neighborhood activities or investigations.

Contact Lieutenant Paul Fitzgerald, Director, Community Policing, 209 Fountain St., Providence, RI 02903, (401) 272-3121 ext. 2450, www.ftp.spiritofasia.com/CPACFFolder/CPAC.html

The Community Oriented Policing Program—Yonkers, New York. The Community Oriented Policing Program seeks to increase communication between the police department and residents in housing developments. To make police officers more accessible to this community, the police department has opened substations and has police officers patrol the area on foot and bikes. The officers have started educational and recreational activities with neighborhood children. According to police officials, the

program has shown great public acceptance and community support. Other neighborhoods are organizing to have their area designated for community policing. A grant from the U.S. Department of Housing and Urban Development funds the program.

Contact Lieutenant Bill Vangreen, vangreen@yorkcity.org, York City Police Dept., PO Box 509, York, PA 17405, (717) 852-0604.

Demand Reduction Through Community Policing—Tempe, Arizona. Demand Reduction Through Community Policing aims to improve the quality of life in the city by reducing drug and crime activity. All patrol officers are assigned to one of fifteen beats in the city. Each beat is assigned one sergeant, who has 24-hour responsibility for the beat. The fifteen beats are divided into quadrants, where one assigned lieutenant has 24-hour responsibility for the quadrant. Small neighborhood police stations have been opened and staffed by officers. Community members are encouraged to visit the station and call the station's hot line when they have any complaints, compliments, recommendations, or information to share regarding how the police department could better serve citizens.

This community policing strategy allows officers the familiarity and flexibility necessary to resolve public safety issues through the development and maintenance of partnerships with the community. Program coordinators believe the essential component of community policing is the advancement of partnerships between a police department and the community in order to solve public safety. In addition, the program involves the cooperative efforts of other local governmental agencies, businesses, schools, community/social organizations, and citizens. Other program activities include citizen education seminars, youth intervention programs, neighborhood clean-ups, and problem-solving training for citizens and police.

Contact Linda Saliani, PO Box 5002, Tempe, AZ 85280, (408) 350-8511.

Stop and Talk Foot Patrol Program—Parkersburg, West Virginia. Through the Stop and Talk Foot Patrol Program, officers develop citizen contacts within their patrol areas to increase community involvement on safety issues. Patrol teams, made up of two officers, are assigned to low-income neighborhoods with high levels of crime. Officers try to develop a rapport with the residents of their assigned neighborhoods, listening to their concerns, complaints, and recommendations. The program encourages police officers to develop neighborhood organizations, such as neighborhood watch programs, so that citizens can work through an organized link with the police department.

Contact Officer Corbit or Heinsman, #1 Government Sq., PO Box 1167, Parkersburg, WV 26102, (304) 424-8508.

Community Partnership—Omaha, Nebraska. The Community Partnership focuses the community's concerns and energies to attack the drug problem. A steering committee is responsible for the overall direction and use of resources in the war against drugs. The partnership also has six task forces that focus on areas of concern—prevention and education, enforcement and prosecution, citizen involvement, employment and housing, treatment, and corrections. The community partnership has developed the following committees and programs to deal with community concerns:

- Committees: Juvenile Prosecution Committee, Adult Prosecution Committee, Clergy Substance Abuse Committee, and Business Initiative Ad Hoc Committee.
- Programs: National Night Out, Youth Volunteer Corps, summer youth programs, and drug education classes.

Contact Dianne E. Zipay, Executive Director, Omaha Community Partnership, 1819 Farnam St., Suite 300, Omaha, NE 68183-0300, (402) 444-5921.

DIVERSION

Juvenile Outreach Program, formally known as Children At Risk (CAR)—Port St. Lucie, Florida. CAR is an outreach program designed to target juveniles who are at risk of committing criminal acts. The program provides children and families classes on decision-making skills and building self-esteem. CAR also refers them to local support services. The primary objective is to identify at-risk children before they start committing crimes. A counselor is specifically charged with early identification, onsite assessment, intervention, counseling, coordination with available community services, and referrals for the child and family.

Contact Lynette Scott, Juvenile Specialist, 121 SW Port St. Lucie Blvd., Port St. Lucie, FL 84984, (561) 871-5027.

The Juvenile Diversion Program—Culver City, California. The Juvenile Diversion Program tries to rehabilitate minor offenders and to prevent criminal behavior. Program coordinators work on the participant's psychological, intellectual, and physical needs through a variety of activities. Parents are required to meet for ten one-hour group discussions to help identify parenting problems and to learn to cope with them. The program selects participants by receiving referrals from school administrators who have identified problem students or youths that have committed minor criminal offenses. Many of the students referred are from dysfunctional families or single-parent households. The police department coordinator meets with both the participant and his or her parents to discuss and plan ways to help the youth address his or her problems.

The involved minors meet at the police station one night a week and receive counseling from a family counseling specialist in a group setting. During the sixteen-week program, the police department coordinator personally meets with the group for an additional hour of activities. The coordinator guides the juveniles through reading sessions, communication and reasoning exercises, and field trips to expose them to the requirements for various professional careers. The coordinator also monitors their performance at school and arranges for tutoring as needed. A major component of the program is the camping trips. The police department has a program that teaches the minors water skiing, boating, water safety, and life-coping skills.

Contact Captain Martin, 4040 Duquesne Ave., Culver City, CA 90230, (310) 253-6300.

Police Probation Team—Vallejo, California. The Police Probation Team tries to reduce the recidivism rate of youthful offenders by empowering youth to become responsible, productive citizens. It gives youthful offenders an alternative to the traditional juvenile justice system by requiring them to participate in counseling programs and community service work, and to provide restitution for their offenses. The requirements attempt to teach youth accountability and to provide positive channels for behavior.

Contact Sergeant Jim Lyon, Vallejo Police Dept., 111 Amador St., Vallejo, CA 94590, (707) 648-4399.

Youth Jury—Naperville, Illinois. The Youth Jury is designed to be an alternative to court for first-time juvenile offenders of non-serious offenses. These juvenile offenders do not have claim to restitution or extensive family problems. The program has two main goals:

- deter first-time juvenile offenders from committing additional crimes by using a youth jury to exert positive peer pressure on offenders;
- instill a sense of civil responsibility in youth by having them participate in crime prevention activities.

The Youth Jury is an organization of high-school-aged students serving as an adjunct to the various diversion programs of the Youth Services Unit of the Naperville Police Department. The trial is intended to introduce first-time offenders to the judicial process in a non-threatening manner. The Youth Jury meets monthly to hear cases and assign consequences to first-time offenders who admit their guilt and agree to permit the Youth Jury to resolve the case. The consequences that are imposed generally consist

of a period of community service at an area service agency such as the recycling center, historical area, or park district. The community service component benefits the entire community.

Contact Detective Mark Sizick, 1350 Aurora Ave., Naperville, IL 60540, (630) 305-5966.

Parents and Youth Against Drug Abuse (PAYADA)—Boise, Idaho. PAYADA aims to provide a community of drug-free youth and targets fifth and sixth grade students and their families. The program offers expertise on drug and alcohol prevention to youth, their parents, school staff, city employees, and other community officials. Participants receive substance abuse education and referral services. Parents and youth meet together once a week for four weeks in a classroom setting to discuss chemical abuse and its effects on society. Specific topics, such as how to identify drugs, why kids use drugs, and how to talk to kids about drugs, are covered in the classes. PAYADA also has community events that include health fairs, talent shows, and summer programs.

Contact Brent Archibald, 7200 Barrister Dr., Boise, ID 83704, www.payada.org.

GANG PREVENTION AND ELIMINATION

Tying Neighborhoods Together (TNT)—Lakewood, Colorado. TNT addresses the problems of youth and families through comprehensive services and focuses on preventing youth from becoming involved in gangs. TNT board members are focusing their efforts in the area of community education, providing after-school and weekend activities, expanded membership in TNT, legislative lobbying, and fundraising for the program. Each community forms a grassroots community committee that identifies the strengths and weaknesses in the community, and then develops a plan to eliminate or reduce risk factors for youth in the community. The committee brings its community plan before a board of directors that reviews and suggests resources and strategies to the community. The program offers academic mentoring, graffiti paint-out projects, a junior fire fighter program, a community volunteer program, sports programs, and a gang elimination program. The U.S. Department of Justice has chosen Tying Neighborhoods Together to build a national model for gang prevention.

Contact Lonnie Peterson, 445 S. Allison Parkway, Lakewood, CO 80226-3105, (303) 987-7105, www.ci.lakewood.co.us/police/police.html

NEIGHBORHOOD-BASED CRIME PREVENTION

Safe Neighborhoods—Cambridge, Massachusetts. The Safe Neighborhoods program assists residents to organize activities that encourage broader community participation. A number of crime watch Safe Neighborhood groups have expanded and now include representatives of the clergy, the private sector, and school systems. Many of the current crime watch groups were formed in neighborhoods that experienced increased drug activity. The neighborhood groups' activities may include education workshops, forums for youth-police dialogue, block parties, and "street sweeps". Most projects rely on volunteers. Many of the Safe Neighborhood groups receive staff support and some clerical support through the City's Community Schools program.

Contact Eileen Keegan, Director of Community and Youth Services, Dept. of Human Services, 51 Inman Street, Cambridge, MA 02139, (617) 349-6225.

SAFETY EDUCATION FOR CHILDREN

Basics of Bicycling—Burlington, North Carolina. Basics of Bicycling attempts to reduce bicycle accidents and injury. It targets third and fourth grade children. Police department officials and physical education teachers present the basics of bicycling through a seven-lesson program. The program focuses on safety and consists of classroom activities and hands-on experience with bicycles.

Contact Sergeant J. S. (Jacki) Sheffield, 267 W. Front St., Burlington, NC 27215, (336) 229-3530.

Children Education Programs—Midwest City, Oklahoma. Children Education Programs attempt to minimize the chance of criminal victimization of children through proper education and to make children feel more comfortable with police officers. The programs include Say No to Drugs, bicycle and traffic safety, Stranger Danger, Officer Friendly, Halloween safety, McGruff visitations, Child I.D., and police department tours.

Contact Sergeant Bob Cornelison, Midwest City Police Dept., PO Box 10570, 100 N. Midwest Blvd., Midwest City, OK 73410, (405) 739-1331.

Crime Prevention Calendar—Naperville, Illinois. The Crime Prevention Calendar is designed to broaden elementary-aged youths' understanding of personal safety and how they can be an important part of the crime prevention process. Letters are sent to principals and art instructors, along with a list of crime prevention tips they can use in their lessons on this project. Using the calendar to stimulate children's interest, a police officer and a community liaison officer visit each school and present a program on personal safety and crime prevention to kindergarten through fifth grade students. It is a collaborative effort between the schools, the police department, and city and community organizations.

Children participate in the program through a crime prevention poster contest. Many children have an opportunity to be winners in the calendar contest, whether or not their posters are selected to be on the calendar. The program awards first and second place certificates to each grade level at each school. The certificates are personalized with the child's name done in calligraphy. The mayor and police chief honor all children whose posters are represented on the calendar.

Contact Sharon Murphy, Naperville Police Dept., Community Education/Crime Prevention Unit, 1350 Aurora Ave., Naperville, IL 60540, (630) 420-6731.

Safety Town—Romeoville, Illinois. Safety Town seeks to educate children in kindergarten through fifth grade on safety. It provides hands-on experience in teaching safety programs. The programs include bicycle safety, railroad safety, pedestrian safety, fire safety, animal safety, drug abuse prevention, abduction and molestation prevention, and vandalism prevention. Safety professionals teach all classes. In addition, Safety Town hosts a town-wide trick-or-treat party on Halloween.

Contact Dale Keith, Romeoville Police Dept., 10 Montrose Dr., Romeoville, IL 60441, (815) 886-7219.

SENIOR SERVICE

Retired Senior Volunteer Program (RSVP)—Fountain Valley, California. The RSVP program is designed to provide a way for active seniors, fifty years or older, to participate in community service. Working alongside regular police department employees, the retired program participants perform a variety of non-hazardous jobs in the police department. After a screening and selection process, the candidates enter a six-week training program. During this period, they receive classroom instruction covering a broad range of topics and are given several opportunities to ride with on-duty patrol officers. At the conclusion of the training period, they are assigned to work in pairs for both inside and outside assignments. Inside assignments include assisting the staff with duties that include clerical work, reception work, support for detective and lab personnel, crime prevention, and community relations. Outside assignments include going on "patrol" in specially marked vehicles. RSVP's wear uniforms that identify them clearly as volunteer members of the police department. The program allows the police department to provide services such as vacation home checks and prompt graffiti identification and removal.

Contact Crime Prevention Office, 10200 Slater Ave., Fountain Valley, CA 92708, (714) 593-4526, www.fvdpd.org/index.html

YOUTH PROGRAMS

Anti-Truancy Programs—Charleston, South Carolina. The Anti-Truancy Program targets children who are required by state laws to attend school. The police department implemented the program to encourage children to stay in school, and to decrease the number of burglaries and robberies committed by juveniles. During the school day, truancy officers search for students on the streets and return them to school.

Contact Charles Francis, 180 Lockwood Blvd., Charleston, SC 29403, (843) 720-2497.

Community Opportunity Programs For Youth (C.O.P.Y.) Kids—Spokane, Washington. C.O.P.Y. Kids attempts to improve the relationship between young people and police officers and instill a sense of community responsibility. The eight-week program is designed to target eleven- to fifteen-year-old youth. Each week program staff—sworn and non-sworn police department officials—arrive at one of five community centers. The youths are then transported along with their chaperons to local sites where they are offered the opportunity to participate in community service. The day continues with lunch at a park, followed by activities that build self-esteem, decision-making skills, and conflict resolution skills. During this time period, the program offers recreational activities and role model interaction. The day ends with a tour of a local business or municipal organization and a ride back to the community center.

Each group of children participates in a similar routine for three days. On the fourth day youths are driven to Fairchild Air Force Base Museum, treated to lunch at a local restaurant, and then given the opportunity at an area park to explore and reflect on the events from the previous four days. C.O.P.Y. Kids has the same format for each week of the program. On the final day of the program the youth visit a local bank, where an account with \$40 has been opened for each youth participating in the program. The \$40 reward is given to help the children understand the correlation between what they might accomplish through their own labor and receipt of appreciation for their efforts. A federal grant, city money, and local business donations fund the program.

Contact Sergeant Gil Moberly, 1100 W. Mallon, Spokane, WA 99260, (509) 625-4087.

Every 15 Minutes, Spokane, Washington. “Every Fifteen Minutes” is a two-day program designed to discourage young people from drinking and driving. The program’s name was conceived from the fact that every 15 minutes someone in the U.S. dies in an alcohol-related accident. The first day of the program, two officers pull the “living dead” students out of class (every 15 minutes), post obituaries, and contact parents. The students are placed in “corpse” costumes and allowed back in class, but may not speak or take part in the class. At the end of the day, the “living dead” are bussed away to stay overnight at a local hotel. The second day starts with a slide show and skit by the “living dead.” Parents speak, along with student testimonials. A commitment is made to not drink and drive.

Since the program began in 1990, there have been no alcohol-related fatalities involving a Spokane high school student during end of the year “graduation parties.”

Contact Tony Giannetto, Spokane Police Department, 1100 W. Mallon Ave., Spokane, WA 99260-0001, (509) 625-4117.

PROTEEN—Greenville, North Carolina. PROTEEN aims to identify problems and form solutions for youth. A steering committee consisting of individuals from agencies and the private sector identified eight critical issues of concern: teen pregnancy; race relations; family communication and dysfunction; school and community violence; choice of heroes and heroines; drug awareness, prevention, and intervention; peer pressure and self-esteem; and AIDS and sexually transmitted disease awareness and prevention.

After identifying the primary concerns of youth, the steering committee organized a youth conference to create solutions to these concerns. A group of over 200 sixth to twelfth grade students met in a theater-type setting to begin the youth conference. High school students performed two-minute thought-

provoking skits on each of the eight topics. Following the presentation of the skits, forty-minute sessions on each of the eight topics were conducted, with each student choosing two different morning sessions and afternoon sessions to attend. Each session had one professional from the field and a social worker to facilitate. They attempted to keep the students talking and focused on the topic for the forty-minute session. Two or more college students were also present to write down the questions and the responses.

As an extension of the PROTEEN Conference, a networking system to address the concerns discussed by the conference youth has been established and is continuing to grow. The networking system is comprised of people from law enforcement agencies, middle and high schools, social services, and the juvenile court system who act in a liaison capacity with the youth and the PROTEEN Executive Board of Directors. They cooperate in PROTEEN's efforts to effect beneficial solutions to youth problems. PROTEEN coordinators plan to have future summits and conferences.

Contact Captain Cecil Hardy, Greenville Police Dept., PO Box 7207 Greenville, NC 27835, (252) 329-4365.

School Resource Officer—Boise, Idaho. Through the School Resource Officer program officers develop positive relationships with students and are accessible to schools. The program is a joint effort between the police and the schools. Officers deal with issues of truancy, neglect or abuse, and criminal activity. Officers act as counselors, investigators, and teachers. They provide lectures and activities on drug education, delinquency, criminal law, and crime prevention. Officers try to increase parental accountability through home visits and coordination of community services.

Contact 7200 Barrister Dr., Boise, ID 83704, (208) 377-6605.

The Teen Survival Guide—Santa Clara, California. The teen survival guide is published as a resource for young people between the ages of 13 and 18. The forty-two-page booklet provides vital information on such subjects as drug and alcohol abuse, gang prevention, and juvenile laws and truancy, as well as more than 50 community resource phone numbers to assist with the problems they may encounter. The guide is distributed to health classes at the high schools and is available through many other community agencies.

Contact Sergeant Lee White, 23740 Magic Mountain Parkway, Santa Clara, CA 91355, (408) 261-5422, www.scpd.org

Youth and Family Services Program—Livermore, California. The youth and family services program targets families of delinquent, pre-delinquent, and "beyond control/runaway" youth. The program's creators believe that the family counseling approach is effective in diverting the delinquent behavior pattern and re-establishing the parents as the most powerful and effective influence in the lives of their children. A temporary crisis shelter is provided through the county probation department upon written request of the youth and parents. Crisis sessions are provided without fee, and a sliding scale is used for continuing counseling with 20 sessions available per referral.

Contact Leonard Lloyd, Manager, 3311 Pacific Ave., Livermore, CA 94550, (925) 371-4747.

CHILD ABUSE

Crimes Against Children Unit (C.A.C.U.)—Louisville, Kentucky. C.A.C.U. provides a coordinated response and services to child abuse cases. The unit is comprised of detectives from the Louisville Police Department and the Jefferson County Police Department, along with a social worker from the cabinet of human resources. A police detective and a social worker are teamed to investigate incidents of child abuse. This collaboration increases efficiency in prosecution, reduces duplication of effort, and allows immediate access to social services for the victim and the family. The investigations place emphasis on

the welfare of child victims and criminal prosecution of abusers. The unit also targets missing children, child exploitation, and the distribution of child pornography.

Contact Sergeant Joe Culver, 436 South Seventh Ave., Louisville, KY 40203-1930, (502) 574-2451.

APPENDIX III: Supervisor and Manager Roles

1. Allows officers freedom to experiment with new approaches.
2. Insists on good, accurate analysis of problems.
3. Grants flexibility in work schedules when requests are proper.
4. Allows officers to make most contacts directly and paves the way when they're having trouble getting cooperation.
5. Protects officers from pressures to revert to traditional methods.
6. Runs interference for officers to secure resources, protect them from undue criticism, etc.
7. Knows which problems officers are working on and whether the problems are real.
8. Knows officers' beats and key citizens.
9. Coaches officers through the problem-solving process, gives advice, helps them to manage their time, and helps them develop work plans.
10. Monitors officers' progress on work plans and makes adjustments, prods them along, slows them down, etc.
11. Supports officers even if their strategies fail, as long as something useful is learned in the process, and the strategy was well thought through.
12. Manages problem-solving efforts over a long period of time; doesn't allow effort to die just because it gets sidetracked by competing demands for time and attention.
13. Gives credit to officers and lets others know about their good work.
14. Allows an officer to talk with visitors at conferences about their work.
15. Identifies new resources and contacts for officers and makes them check them out.
16. Coordinates efforts across shifts, beats, and outside units and agencies.
17. Identifies emerging problems by monitoring calls for service and crime patterns and community concerns.
18. Assesses the activities and performance of officers in relation to identified problems rather than by boilerplate measures.
19. Expects officers to account for their time and activities while giving them a greater range of freedom.
20. Provides officers with examples of good problem solving so they know generally what is expected.
21. Provides more positive reinforcement for good work than negative for bad work.

Reprinted from Managing Innovation in Policing, Geller, W. A. & Swanger, G. (1995). Washington, DC: National Institute of Justice.

APPENDIX IV: Integrity and Ethics Tool

Agencies may be interested in conducting their own organizational integrity and ethics self-assessment. The following questions, developed by WRICOPS Director John Turner in 2000, are only a guide to assist such a department.

“Use Of Force” Issues

1. Is there a written general policy recognizing current legal doctrine?
2. Does “use of force” include aiming and/or pointing a firearm?
3. Does the organizational policy require training? How often? What training records are kept?
4. Is there a continuum of force, which includes de-escalation of force?
5. Has the department been involved in any liability situations due to use of force?
6. Does the department have administrative review of *all* use of force actions?
7. What is the policy regarding accidental discharge of firearms?
8. Does the department use canines? Is there a policy? How is it related to “use of force” issues?

Complaints and Misconduct Investigations

1. Is there a general policy regarding citizen complaints and misconduct investigations?
2. Does the department process for receiving the complaints provide full and fair opportunity for all?
3. Is there a form? Does it require a signature? Who receives the form? What happens when the form is received? Does someone in the department acknowledge receipt of the complaint?
4. Is staff prohibited from refusing to accept complaints?
5. Are complaints accepted from all persons, including third parties?
6. Can department leadership recap several complaints and the outcomes of these complaints?
7. Are complainants contacted for feedback and perceptions of fairness? Are officers who have been the subject of complaints, contacted for feedback and perceptions of fairness?
8. Working within the law, does the department advise complainants of findings?
9. Has the agency experienced officer-to-officer misconduct complaints?
10. Is an “evidentiary” process used to determine findings?
11. In substantiated complaints, are officers subject to discipline?
12. Are citizens able to review the department’s complaint process and history of complaints?
13. Are supervisors trained in, and do they practice, “respectful policing” as it concerns use of force?
14. Are Terry Stop Searches (stop & frisks) required to be documented?
15. Are searches other than those prior to arrest, documented and receive administrative review?
16. Do consent searches require written consent?
17. Does the department prepare statistical reports for public review of citizen complaints?
18. Does the department solicit public feedback regarding its practices and behaviors?
19. Does the department hold public meetings to discuss agency performance?
20. Is the agency open to concepts such as civilian review boards, independent auditors, etc?

Training Issues

1. Is the agency aware of specific integrity training presented at the academy level?
2. Within the FTO program, is there an emphasis on courtesy, cultural diversity, verbal disengagement, alternatives to use of force, ethics, and integrity?
3. Do supervisors receive basic supervision training as well as ongoing training on the previously mentioned subjects?

Non-Discriminatory Policing and Data Collection

1. Is there a clear and practiced policy prohibiting discrimination based on race, ethnicity, national origin, religion, gender, disability or sexual orientation?
2. Does the department offer specific training in the area?
3. Are all traffic stops and pedestrian stops documented?
4. Has the department engaged the community in a discussion regarding racial issues and data collection?
5. For agencies with video cameras in cars, what supervisory or administrative review is conducted of the videotapes?
6. Are there policies and procedures in place for contacts with individuals with limited English speaking ability?

Recruitment, Hiring, and Retention

1. Does the department reflect the community in racial and gender make-up?
2. Does the department have a recruiting program to meet any deficiencies?
3. Does the department hiring process provide equal opportunity for all?
4. What is the departmental history of officer retention?

Early Warning Systems

1. Does the department conduct spot-audits of the evidence room?
2. Does the department administratively review citizen complaints and Internal Affairs files?
3. Does the department have a civilian advisory/review board?
4. Does the department monitor of sick leave and overtime?

Community Policing: Principles and Elements

Dr. Gary Cordner
Eastern Kentucky University

Community policing has its roots in such earlier developments as police-community relations, team policing, crime prevention, and the rediscovery of foot patrol. In the 1990s it has expanded to become the dominant strategy of policing - so much so that the 100,000 new police officers funded by the 1994 Crime Bill must be engaged in community policing.

Community policing (COP) is often misunderstood. Four essential principles should be recognized:

- **COP is not a panacea.** It is not the answer to all problems facing modern policing or all the problems facing any one department. However, COP is an answer to some of the problems facing modern policing and it may be an answer to some of the problems facing any one department.
- **COP is not totally new.** Some police departments or individual police officers report that they are already doing it, or even that they have always practiced COP. This may be true. Even so, there are some specific aspects of community policing that are relatively new; also, very few agencies can claim that they have fully adopted the entire gamut of COP department-wide.
- **COP is not "hug a thug".** It is not anti-law enforcement or anti-crime fighting. It does not seek to turn police work into social work. In fact, COP is more serious about reducing crime and disorder than the superficial brand of incident-oriented "911 policing" that most departments have been doing for the past few decades.
- **COP is not a cookbook.** There is no iron-clad, precise definition of community policing or a set of specific activities that must always be included. A set of universally-applicable principles and elements can be identified, but exactly how they are implemented should and must vary from place to place, because jurisdictions and police agencies have differing needs and circumstances.

In order to describe the full breadth of community policing, it is helpful to identify four major dimensions of COP and the most common elements occurring within each. The four dimensions are:

- The Philosophical Dimension
- The Strategic Dimension
- The Tactical Dimension
- The Organizational Dimension

The Philosophical Dimension

Many of its most thoughtful and forceful advocates emphasize that community policing is a new philosophy of policing, perhaps constituting even a paradigm shift away from professional-model policing, and not just a particular program or specialized activity. The philosophical dimension includes the central ideas and beliefs underlying community policing. Three of the most important are citizen input, broad function, and personal service.

Citizen Input

Community policing incorporates a firm commitment to the value and necessity of citizen input to police policies and priorities. In a free and democratic society, citizens are supposed to have a say in how they are governed. Police departments, like other agencies of government, are supposed to be responsive and accountable. Also, from a more selfish standpoint, law enforcement agencies are most likely to obtain the citizen support and cooperation they need when they display interest in input from citizens.

A few of the techniques utilized to enhance citizen input are:

- **Agency Advisory Boards:** groups of citizens who meet regularly with the chief/sheriff and other top commanders to provide input and advice on overall agency policies, priorities, and issues.
- **Unit Advisory Boards:** groups of citizens who meet regularly with unit commanders and related personnel to provide input and advice on unit policies, priorities, and issues (e.g., precinct advisory boards, victims/witness advisory councils, family abuse advisory boards, etc.)
- **Beat Advisory Boards:** groups of citizens who meet regularly with their beat officer or beat team to provide input and advice on priorities and issues.
- **Special Advisory Boards:** groups of citizens with special interests who meet regularly with the chief/sheriff, top commanders, or related personnel to provide input and advice on policies, priorities, and issues related to their special interests (e.g., ministry alliance, business council, mental health council, etc.)
- **Community Surveys:** surveys conducted in various ways (telephone, mail, in-person, in the newspaper, etc.) to obtain citizen views on policies, priorities, and issues.
- **Electronic Mail/Home page:** use of the Internet, on-line services, computer bulletin boards, etc. to obtain citizen views on policies, priorities, and issues.
- **Radio/Television Call-In Shows:** use of radio and TV call-in shows to obtain citizen views on policies, priorities, and issues.
- **Town Meetings:** public meetings to which citizens are invited in order to provide input and advice on policies, priorities, and issues.

Broad Function

COP recognizes policing as a broad function, not a narrow law enforcement or crime fighting role. The job of police officers is seen as working with residents to enhance neighborhood safety. This includes resolving conflicts, helping victims, preventing accidents, solving problems, and fighting fear as well as reducing crime through apprehension and enforcement. Policing is inherently a multi-faceted government function - arbitrarily narrowing it to just call-handling and law enforcement reduces its effectiveness in accomplishing the multiple objectives that the public expects police to achieve.

Some examples of the broad function of policing include:

- **Traffic Safety:** good police departments pursue traffic safety through education and engineering as well as selective enforcement.
- **Drug Abuse:** many agencies seek to reduce drug abuse through public education, DARE, regulation of prescriptions, and control of chemicals as well as through a variety of enforcement efforts.
- **Fear Reduction:** many agencies attempt to reduce fear of crime (especially when it is out of proportion to actual risk) through public education, high-interaction patrol, problem solving, and enforcement focuses on nuisance crimes (e.g.; panhandling and loitering)
- **Domestic Violence:** most police departments now offer domestic violence victims an array of services (referral, transportation, protection, probable cause arrest, etc.) rather than merely explaining how to obtain an arrest warrant.
- **Zoning:** some agencies take the opportunity to participate in zoning decision and related matters (e.g., issuance of building permits) in order to offer input related to traffic safety, crime prevention, etc.

Personal Service

Community policing emphasizes personal service to the public, not bureaucratic behavior. This is designed to overcome one of the most common complaints that the public has about government employees, including police officers, -- that they do not seem to care, and that they treat citizens as numbers, not real people. Of course, not every police-citizen encounter can be amicable and friendly. But whenever possible, officers should deal with citizens in a friendly, open and personal manner designed to turn them into satisfied customers. This can best be done by eliminating as many artificial bureaucratic barriers as possible, so that citizens can deal directly with "their" officer.

A few of the methods that have been adopted in order to implement personalized service are:

- **Officer Business Cards:** officers are provided with personalized business cards to distribute to victims, complainants, and other citizens with whom they have contact.
- **Officer Pagers and Voice Mail:** officers have their own pagers and voice mail so that victims, complainants, and other citizens can contact them directly.
- **Recontact Procedures:** all of a subset of victims, complainants, and others are recontacted by the officer who handled their situations, the officer's supervisor, or some other staff member (e.g., a volunteer) to see if further assistance is needed.
- **Slogans and Symbols:** many departments adopt slogans, mission statements, value statements, and other devices designed to reinforce the importance of providing personalized service to the public.

The Strategic Dimension

The strategic dimension of community policing includes the key operational concepts that translate philosophy into action. These strategic concepts are the links between the broad ideas and beliefs that underlie community policing and the specific programs and practices by which it is implemented. They assure that agency policies, priorities, and resource allocation are consistent with the COP philosophy. Three important strategic elements are re-oriented operations, prevention emphasis, and geographic focus.

Re-Oriented Operations

Community policing recommends re-oriented operations, with less reliance on the patrol car and more emphasis on face-to-face interactions. One objective is to replace ineffective or isolating operational practices (e.g., motorized patrol and rapid response to low priority calls) with more effective and more interactive practices. A related objective is to find ways of performing necessary traditional functions (e.g., handling emergency calls and conducting follow-up investigations) more efficiently, in order to save time and resources that can then be devoted to more community-oriented activities.

Some illustrations of re-oriented operations include:

- **Foot Patrol:** where appropriate, many agencies have instituted foot patrols to supplement or even replace motorized patrol.
- **Other Modes of Patrol:** many agencies have adopted other modes of patrol, such as bicycle patrol, scooter patrol, dirt bike patrol, and horse patrol.
- **Walk and Ride:** many agencies require officers engaged in motorized patrol to park their cars periodically and engage in foot patrol in shopping centers, malls, business districts, parks, and residential areas.
- **Directed Patrol:** many agencies give motorized patrol officers specific assignments (sometimes called "D-runs") to carry out during time periods when they are not busy handling calls.
- **Differential Response:** many agencies have adopted differential responses (e.g., delayed response, telephone reporting, walk-in reporting) tailored to the needs of different types of calls, instead of dispatching a marked unit to the scene of every call for service.
- **Case Screening:** many agencies have adopted different investigative responses (e.g., no follow-up, follow-up by patrol, follow-up by detectives) tailored to the needs of different types of criminal and non-criminal cases, instead of assigning every case to a detective.

Prevention Emphasis

Community policing tries to implement a prevention emphasis, based on the common sense idea that although citizens appreciate and value rapid response, reactive investigations, and apprehension of wrongdoers, they would always prefer that their victimizations be prevented in the first place. Most modern police departments devote some resources to crime prevention, in the form of a specialist officer or unit. COP attempts to go farther by emphasizing that prevention is a big part of every officer's job.

A few of the approaches to focusing on prevention that departments have adopted are:

- **Situational Crime Prevention:** the most promising general approach to crime prevention is to tailor specific preventive measures to each situation's specific characteristics.
- **CPTED:** one set of measures used by many departments is CPTED (Crime Prevention through Environmental Design), which focuses on the physical characteristics of locations that make them conducive to crime.
- **Community Crime Prevention:** many departments now work closely with individual residents and with groups of residents (e.g., block watch) in a cooperative manner to prevent crime.

- **Youth-Oriented Prevention:** many departments have implemented programs or collaborated with others to provide programs designed to prevent youth crime (e.g., recreation, tutoring, and mentoring programs)
- **Business Crime Prevention:** many departments work closely with businesses to recommend personnel practices, retail procedures, and other security measures designed to prevent crime

Geographic Focus

Community policing adopts a geographic focus, to establish stronger bonds between officers and neighborhoods in order to increase mutual recognition, identification, responsibility, and accountability. Although most police departments have long assigned patrol officers to beats, the officers' accountability has usually been temporal (for their shift) rather than geographic. More specialized personnel within law enforcement agencies have been accountable for performing their functions but not for any geographic areas. By its very name, however, community policing implies an emphasis on places more so than on times or functions.

Some of the methods by which COP attempts to emphasize geography are as follows:

- **Permanent Beat Assignment:** patrol officers are assigned to geographic beats for extended periods of time, instead of being rotated frequently.
- **Lead Officers:** since several different officers will be assigned to a beat across 24 hours a day, 7 days a week, often one officer is designed as the lead officer responsible for problem identification and coordination of the efforts of all the officers.
- **Beat Teams:** the basic building block for patrol can be the beat team (all the officers who work a particular beat) rather than the temporal squad or shift.
- **Cop-of-the-Block:** the beat can be sub-divided into smaller areas of individual accountability, so that every patrol officer has general responsibility for a beat and special responsibility for a smaller area.
- **Area Commanders:** middle-level managers (typically lieutenants) can be given responsibility for geographic areas consisting of several beats, instead of being shift or squad commanders.
- **Mini-Stations:** each beat or combination of beats can have its own facility (mini-station, sub-station, or storefront) to give it additional geographic focus for officers and area residents.
- **Area Specialists:** some detectives and other specialists can be assigned to geographic areas instead of to narrow sub-specialties (e.g., a detective handles all, or at least most, of the crimes occurring in a particular neighborhood, instead of handling car thefts from all over the jurisdiction).

Tactical Dimension

The tactical dimension of community policing ultimately translates ideas, philosophies, and strategies into concrete programs, tactics, and behaviors. Even those who insist, "community policing is a philosophy, not a program" must concede that unless community policing eventually leads to some action, some new or different behavior, it is all rhetoric and no reality. Indeed, many commentators have taken the view that community policing is little more than a new police marketing strategy that has left the core elements of

the police role untouched. Three of the most important tactical elements of community policing are positive interaction, partnerships, and problem solving.

Positive Interaction

Policing inevitably involves some negative contacts between officers and citizens - arrests, tickets, stops for suspicion, orders to desist, inability to make things much better for victims, etc. Community policing recognizes this fact and recommends that officers offset it as much as they can by engaging in positive interactions whenever possible. Positive interactions have several benefits, of course: they generally build familiarity, trust, and confidence on both sides; they remind officers that most citizens respect and support them; they make the officer more knowledgeable about people and conditions in the beat; they provide specific information for criminal investigations and problem solving; and they break up the monotony of motorized patrol.

Some methods for engaging in positive interaction include:

- **Routine Call Handling:** officers can take the time to engage in more positive interaction in the course of handling calls, instead of rushing to clear calls in order to return to motorized patrol.
- **Meetings:** officers can take every opportunity to attend neighborhood meetings, block watch meetings, civic club meetings, etc.; these can yield productive non-enforcement interactions with a wide spectrum of the community.
- **School-Based Policing:** officers who take the trouble to go into the schools get many opportunities to interact positively with youth, not to mention teachers and other school staff.
- **Interactive Patrol:** too many officers patrol primarily by watching what goes on in public spaces; officers should stop and talk with more people so that their patrolling relies more on interacting than on watching.

Partnerships

Community policing stresses the importance of active partnerships between police, other agencies, and citizens, in which all parties really work together to identify and solve problems. Citizens can take a greater role in public safety than has been typical over the past few decades, and other public and private agencies can leverage their won resources and authority toward the solution of public safety problems. Obviously, there are some legal and safety limitations on how extensive of a role citizens can play in "co-producing" public safety. Just as obviously, it is a mistake for the police to try to assume the entire burden for controlling crime and disorder.

Some of the more interesting police-community partnerships and collaboration innovations include:

- **Citizen Patrols:** in many jurisdictions citizens actively patrol their neighborhoods, usually in cooperation with the police and often in radio or cellular phone communication with police dispatch.
- **Citizen Police Academies:** many departments now operate citizen police academies, typically held in the evenings, that inform interested citizens about the police department and often prepare them for roles as volunteers or citizen patrols.

- **Volunteers:** many departments utilize volunteers, auxiliaries, and reserves in a variety of sworn and non-sworn roles.
- **Schools:** many police departments today work much more closely with schools than in the past, not just with the DARE programs but also with school resource officers, truancy programs, etc.
- **Code Enforcement:** many of the problem locations that police deal with are susceptible to code enforcement for various building and safety violations
- **Nuisance Abatement:** some locations have such a multitude and history of criminal and civil law violations that procedures can be followed to close them down, demolish them, and/or forfeit their ownership to the government.
- **Landlords & Tenants:** many police departments work closely with apartment managers, public housing managers, tenant associations, and similar groups in order to improve leasing practices and prevent problems in rental properties.

Problem Solving

Community policing urges the adoption of a problem solving orientation toward policing, as opposed to the incident-oriented approach that has tended to prevail in conjunction with the professional model. Naturally, emergency calls must be still handled right away, and officers will still spend much of their time handling individual incidents. Whenever possible, however, officers should search for the underlying conditions that give rise to single and multiple incidents. When such conditions are identified, officers should try to affect them as a means of controlling and preventing future incidents. Basically, officers should strive to have more substantive and meaningful impact than occurs from 15-minute treatments of individual calls for service.

Some of the more promising approaches to problem solving include:

- **The CAPRA Model:** many departments use the CAPRA model (clients, acquiring & analyzing info, partnerships, response, assessment) as a guide to the problem solving process for all kinds of crime and non-crime problems.
- **Guardians:** when searching for solutions to problems, it is often helpful to identify so-called guardians, who are people who have an incentive or the opportunity to help rectify the problem (e.g., landlords, school principals, etc.).
- **Beat Meetings:** some departments utilize meetings between neighborhood residents and their beat officers to identify problems, analyze them, and brainstorm possible solutions.
- **Hot Spots:** many departments analyze their calls for service to identify locations that have disproportionate numbers of calls, and then do problem solving to try to lower the call volume in those places.
- **Multi-Agency Teams:** some jurisdictions use problem solving teams comprised not just of police but also of representatives of their agencies (public works, sanitation, parks and recreation, code enforcement, etc.) so that an array of information and resources can be brought to bear once problems are identified.

The Organizational Dimension

It is important to recognize an Organizational Dimension that surrounds community policing and greatly affects its implementation. In order to support and facilitate community policing, police departments often consider a variety of changes in organization, administration, management, and supervision. The elements

of the organizational dimension are not really part of community policing per se, but they are frequently crucial to its successful implementation. Three important elements of COP are **structure, management, and information.**

Structure

Community policing looks at various ways of restructuring police agencies in order to facilitate and support implementation of the philosophical, strategic, and tactical elements described above. Any organization's structure should correspond with its mission and the nature of the work performed by its members. Some aspects of traditional police organizational structure seem more suited to routine, bureaucratic work than to the discretion and creativity required for COP.

The types of restructuring associated with community policing include:

- **Decentralization:** authority and responsibility can sometimes be delegated more widely so that commanders, supervisors, and officers can act more independently and be more responsive.
- **Flattening:** the number of layers of hierarchy in the police organization can sometimes be reduced in order to improve communications and reduce waste, rigidity, and bureaucracy.
- **De-specialization:** the number of specialized units and personnel can sometimes be reduced, with more resources devoted to the direct delivery of police services (including COP) to the general public.
- **Teams:** efficiency and effectiveness can sometimes be improved by getting employees working together as teams to perform work, solve problems, or look for ways of improving quality.
- **Civilianization:** positions currently held by sworn personnel can sometimes be reclassified or redesigned for non-sworn personnel, allowing both cost savings and better utilization of sworn personnel.

Management

Community policing is often associated with styles of leadership, management, and supervision that give more emphasis to organizational culture and values and less emphasis to written rules and formal discipline. The general argument is that when employees are guided by a set of officially sanctioned values they will usually make good decisions and take appropriate actions. Although many formal rules will still probably be necessary, managers will need to resort to them much less often in order to maintain control over subordinates.

Management practices consistent with this emphasis on organizational culture and values include:

- **Mission:** agencies should develop concise statements of their mission and values and use them consistently in making decisions, guiding employees, and training new recruits.
- **Strategic Planning:** agencies should engage in continuous strategic planning aimed at ensuring that resources and energy are focused on mission accomplishment and adherence to core values; otherwise, organizations tend to get off track, confused about their mission and about what really matters.

- **Coaching:** supervisors should coach and guide their subordinates more, instead of restricting their roles to review of paperwork and enforcement of rules and regulations.
- **Mentoring:** young employees need mentoring from managers, supervisors, and/or peers - not just to learn how to do the job right but also to learn what constitutes the right job; in other words, to learn about ethics and values and what it means to be a good police officer.
- **Empowerment:** under COP, employees are encouraged to be risk-takers who demonstrate imagination and creativity in their work - this kind of empowerment can only succeed, however, when employees are thoroughly familiar with the organization's core values and firmly committed to them.
- **Selective Discipline:** in their disciplinary processes, agencies should make distinctions between intentional and unintentional errors made by employees and between employee actions that violate core values versus those that merely violate technical rules.

Information

Doing community policing and managing it effectively require certain types of information that have not traditionally been available in all police departments. In the never-ending quality versus quantity debate, for example, community policing tends to emphasize quality. This emphasis on quality shows up in many areas: avoidance of traditional bean-counting (arrest, tickets) to measure success, more concern for how well calls are handled than merely for how quickly they are handled, etc. Also, the geographic focus of community policing increases the need for detailed information based on neighborhoods as the unit of analysis. The emphasis on problem solving highlights the need for information systems that aid in identifying and analyzing a variety of community-level problems. And so on.

Several aspects of police administration under COP that have implications for information are:

- **Performance Appraisal:** individual officers can be evaluated on the quality of their community policing and problem solving activities, and perhaps on results achieved, instead of on traditional performance indicators (tickets, arrests, calls handled, etc.)
- **Program Evaluation:** police programs and strategies can be evaluated more on the basis of their effectiveness (outcomes, results, quality) than just on their efficiency (efforts, outputs, quantity).
- **Departmental Assessment:** the police agency's overall performance can be measured and assessed on the basis of a wide variety of indicators (including customer satisfaction, fear levels, problem solving, etc) instead of a narrow band of traditional indicators (reported crime, response time, etc.)
- **Information Systems:** an agency's information systems need to collect and produce information on the whole range of the police function, not just on enforcement and call-handling activities, in order to support more quality-oriented appraisal, evaluation, and assessment efforts.
- **Crime Analysis:** individual offices need more timely and complete crime analysis information pertaining to their specific geographic areas of responsibility to facilitate problem identification, analysis, fear reduction, etc.
- **Geographic Information Systems (GIS):** sophisticated and user-friendly computerized mapping software available today makes it possible for officers and citizens to obtain customized maps that graphically identify "hot spots" and help them more easily picture the geographic locations and distributions of crime and related problems.

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Appendix VI

R.C.P.I./New England Early Identification and Intervention Systems

The definition we are using for this program is:

EIIS is a process for:

- identifying,
- intervening and
- following up with officers exhibiting potentially problematic conduct.

It is based on explicitly designed processes, that when implemented identifies officers with potentially problematic conduct, using data and criteria defined by the organization.

Goals and Purposes of an Early Identification and Intervention System

It is important to have an Early Identification and Intervention System because it:

- Reflects a department's commitment to integrity and accountability internally and externally
- Serves as an important piece of the department's range of systems to increase accountability and assure integrity
- Helps identify officers with potentially problematic behavior and serves as a developmental tool and intervention strategy to help the identified officers
- Assists a department to deal with issues of liability
- Assists a department to build and maintain trust with the community
- Helps to prevent some of the "dramatically embarrassing" events that destroy community trust

Ways an EIIS Can Assist a Department

- Develop a way to clearly identify officers who exhibit potentially problematic behavior as well as exemplary behavior
- Identify officers and help them before their actions become problematic
- Find patterns of misconduct and get to underlying, causal issues
- Bring data together from diverse sources
- Help to reinforce and support supervisory accountability
- Assist in identifying organizational issues
- Assist in identifying “policy failures”
- Build, have and maintain community trust

EIIS Review Process for Individual Officers

Identification

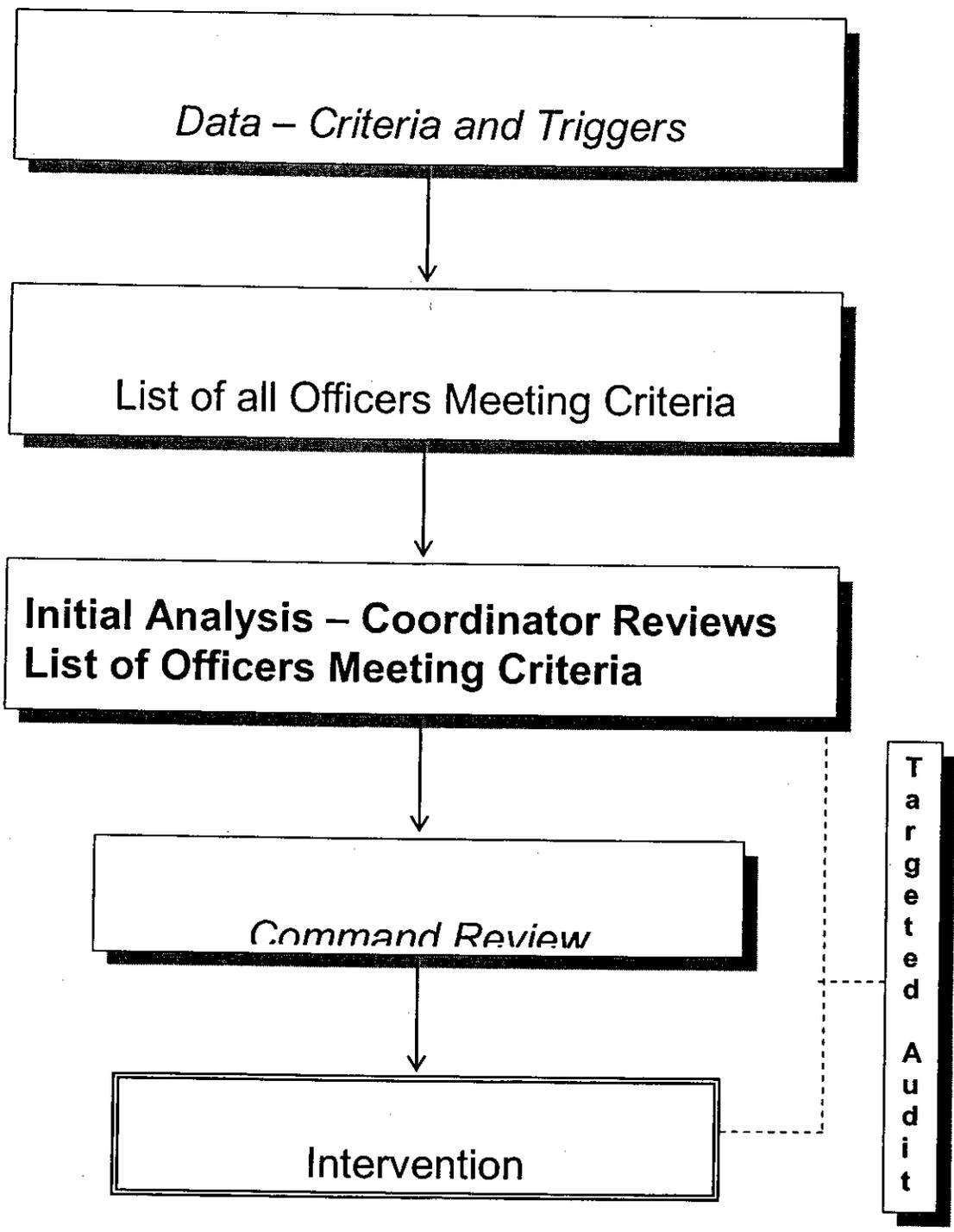
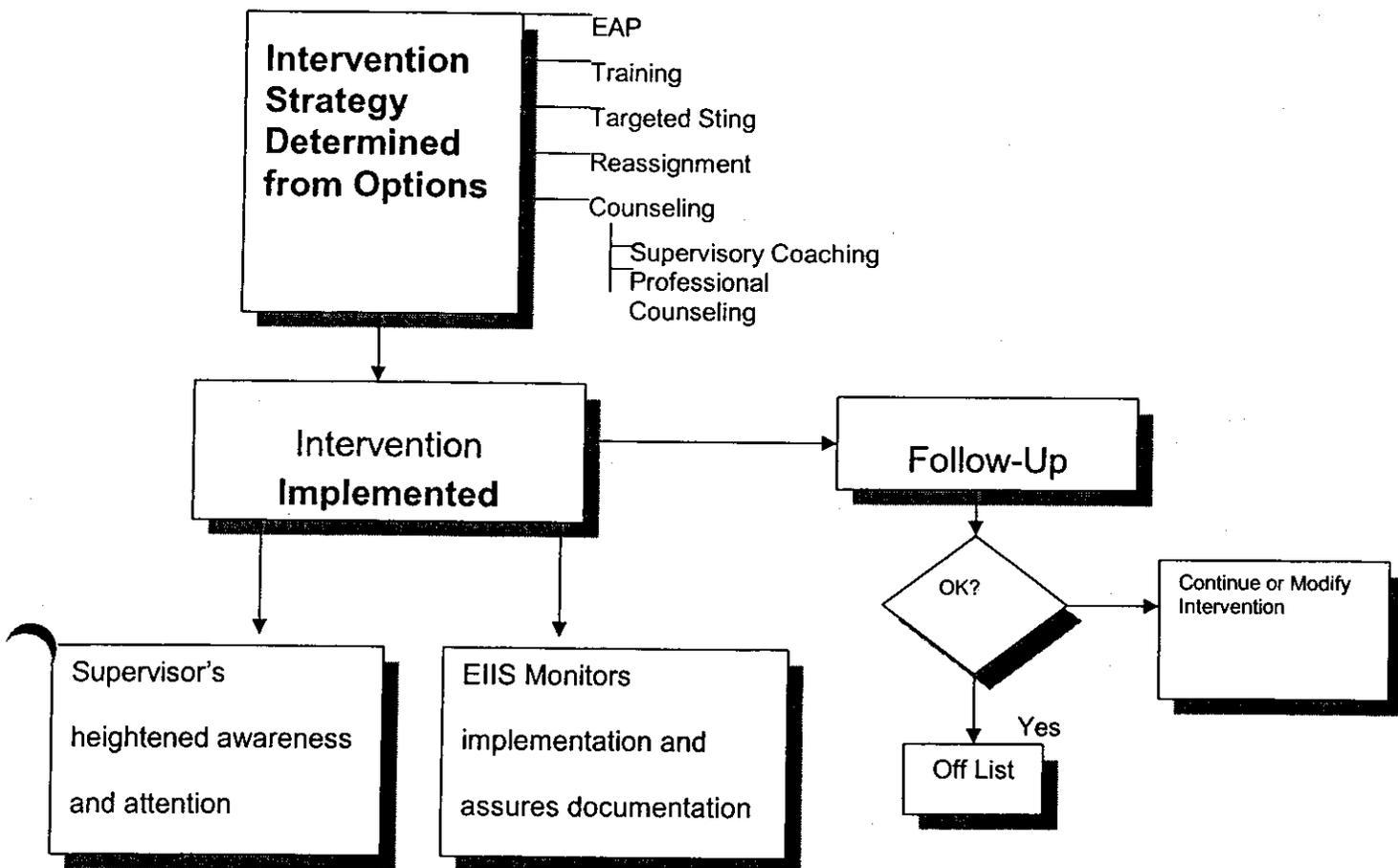


Diagram 3

EIIS Process for Individual

Intervention

Follow-up



EIIS as a Management Tool

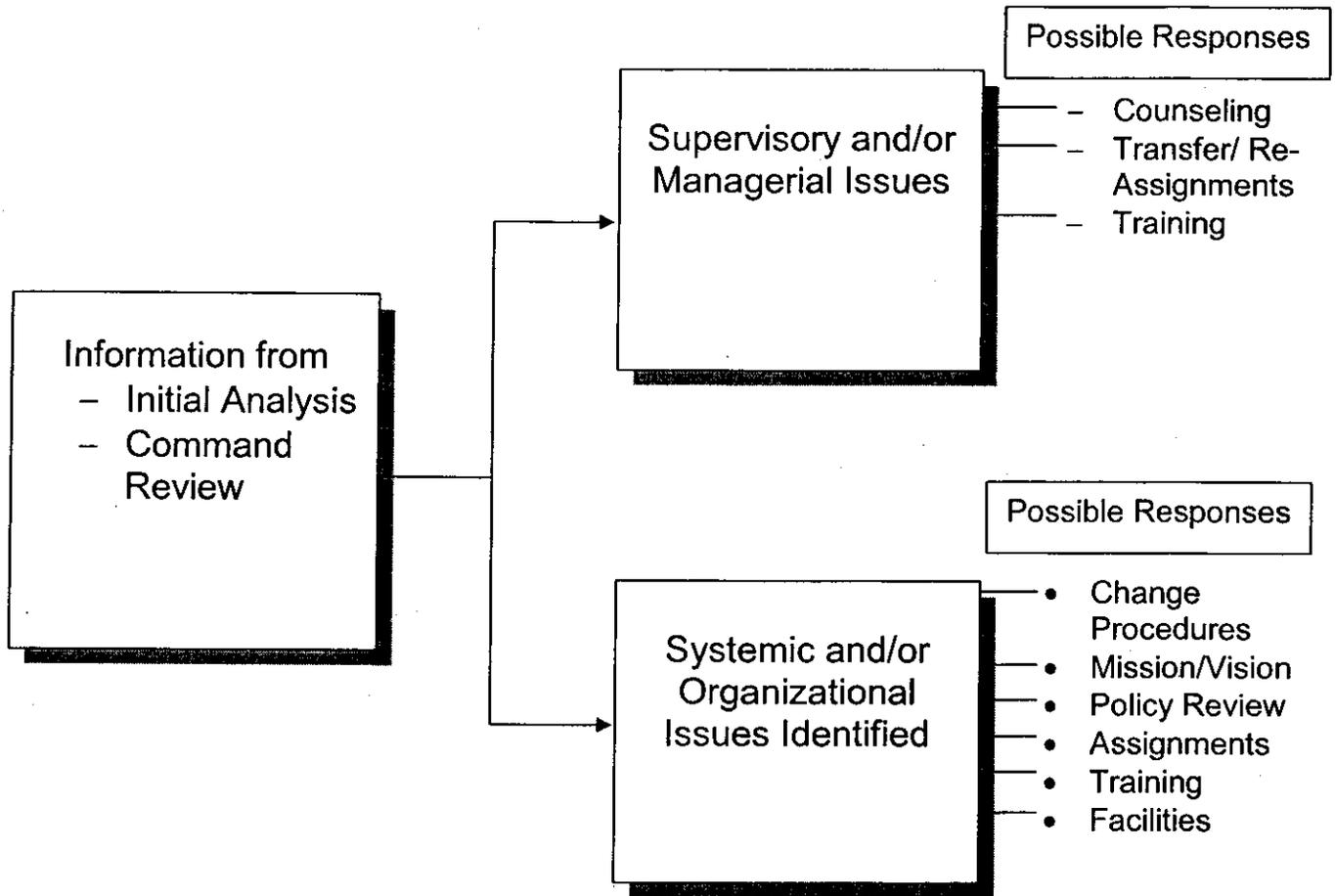


Diagram 5



National Institute of Justice

Research in Brief

July 2001

Issues and Findings

Discussed in this Brief: A systematic study of early warning systems designed to identify officers who may be having problems on the job and to provide those officers with the appropriate counseling or training. The findings are based on a survey of 832 local law enforcement agencies and site visits to three departments with established early warning systems.

Key issues: A growing body of evidence indicates that in any police department a small percentage of officers are responsible for a disproportionate share of citizen complaints. Early warning systems help supervisors identify these officers, intervene with them, and monitor their subsequent performance.

Even though early warning systems are becoming more popular among law enforcement agencies, little research has addressed the effectiveness of such programs. This Brief reports on a study that establishes a baseline description of early warning system programs and asks some fundamental questions:

- Are early warning systems effective in reducing police officer misconduct?
- Are some types of early warning systems more effective than others?
- What impact do early warning systems have on the departments in which they operate?
- Do early warning systems have unintended and undesirable effects?

Key findings: Twenty-seven percent of local law enforcement agencies serving populations of at least 50,000 had an early warning

continued...

Early Warning Systems: Responding to the Problem Police Officer

by Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney

It has become a truism among police chiefs that 10 percent of their officers cause 90 percent of the problems. Investigative journalists have documented departments in which as few as 2 percent of all officers are responsible for 50 percent of all citizen complaints.¹ The phenomenon of the "problem officer" was identified in the 1970s: Herman Goldstein noted that problem officers "are well known to their supervisors, to the top administrators, to their peers, and to the residents of the areas in which they work," but that "little is done to alter their conduct."² In 1981, the U.S. Commission on Civil Rights recommended that all police departments create an early warning system to identify problem officers, those "who are frequently the subject of complaints or who demonstrate identifiable patterns of inappropriate behavior."³

An early warning system is a data-based police management tool designed to identify officers whose behavior is problematic and provide a form of intervention to correct that performance. As an early response, a department intervenes before such an officer is in a situation that warrants formal disciplinary action. The system alerts the department to these individuals and warns the officers while

providing counseling or training to help them change their problematic behavior.

By 1999, 39 percent of all municipal and county law enforcement agencies that serve populations greater than 50,000 people either had an early warning system in place or were planning to implement one. The growing popularity of these systems as a remedy for police misconduct raises questions about their effectiveness and about the various program elements that are associated with effectiveness. To date, however, little has been written on the subject.⁴ This Brief reports on the first indepth investigation of early warning systems. The investigation combined the results of a national survey of law enforcement agencies with the findings of case studies of three agencies with established systems.

How prevalent are early warning systems?

As part of the national evaluation of early warning systems, the Police Executive Research Forum—funded by the National Institute of Justice and the Office of Community Oriented Policing Services—surveyed 832 sheriffs' offices and municipal and county police departments serving populations of 50,000 or

Support for this research was provided through a transfer of funds to NIJ from the Office of Community Oriented Policing Services.

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system in 1999; another 12 percent were planning to establish such a program.

Larger agencies were more likely than smaller agencies to use an early warning system. Among agencies with 1,000 or more sworn officers, 79 percent had or planned to have an early warning system; only 56 percent of agencies with between 500 and 999 sworn officers had or planned to have such a program.

No standards have been established for identifying which officers should participate in early warning programs, but there is general agreement that a number of factors can help identify problem officers: citizen complaints, firearm-discharge reports, use-of-force reports, civil litigation, resisting-arrest incidents, and pursuits and vehicular accidents.

Data from the three case-study agencies (in Miami, Minneapolis, and New Orleans) indicate the following:

- In spite of considerable differences among the programs, each program appeared to reduce problem behaviors significantly.
- Early warning systems encourage changes in the behavior of supervisors, as well as of the identified officers.
- Early warning systems are high-maintenance programs that require ongoing administrative attention.

A caveat is in order about the findings reported here. The research design was limited in a number of ways, and each of the early warning systems studied operates in the context of a department's larger commitment to increased accountability. It is impossible to disentangle the effect of the department's culture of accountability from that of the early warning program.

Target audience: State and local law enforcement administrators, planners, and policymakers; researchers; and educators.

more.⁵ Usable responses were received from 571 agencies, a response rate of 69 percent. The response rate was significantly higher for municipal agencies than for sheriff's departments.

Approximately one-fourth (27 percent) of the surveyed agencies had an early warning system in 1999. One-half of these systems had been created since 1994, and slightly more than one-third had been created since 1996. These data, combined with the number of agencies indicating that a system was being planned (another 12 percent), suggest that such systems will spread rapidly in the next few years.

Early warning systems are more prevalent among municipal law enforcement agencies than among county sheriffs' departments.

How does an early warning system work?

Early warning systems have three basic phases: selection, intervention, and postintervention monitoring.

Selecting officers for the program.

No standards have been established for identifying officers for early warning programs, but there is general agreement about the criteria that should influence their selection. Performance indicators that can help identify officers with problematic behavior include citizen complaints, firearm-discharge and use-of-force reports, civil litigation, resisting-arrest incidents, and high-speed pursuits and vehicular damage.⁶

Although a few departments rely only on citizen complaints to select officers for intervention, most use a combination of performance indicators. Among systems that factor in citizen complaints, most (67 percent) require three complaints in a given timeframe (76 percent specify a 12-month period) to identify an officer.

Intervening with the officer. The primary goal of early warning systems is to change the behavior of individual officers who have been identified as having problematic performance records. The basic intervention strategy involves a combination of deterrence and education. The theory of simple deterrence assumes that officers who are subject to intervention will change their behavior in response to a perceived threat of punishment.⁷ General deterrence assumes that officers not subject to the system will also change their behavior to avoid potential punishment. Early warning systems also operate on the assumption that training, as part of the intervention, can help officers improve their performance.

In most systems (62 percent), the initial intervention generally consists of a review by the officer's immediate supervisor. Almost half of the responding agencies (45 percent) involve other command officers in counseling the officer. Also, these systems frequently include a training class for groups of officers identified by the system (45 percent of survey respondents).

Monitoring the officer's subsequent performance.

Nearly all (90 percent) the agencies that have an early warning system in place report that they monitor an officer's performance after the initial intervention. Such monitoring is generally informal and conducted by the officer's immediate supervisor, but some departments have developed a formal process of observation, evaluation, and reporting. Almost half of the agencies (47 percent) monitor the officer's performance for 36 months after the initial intervention. Half of the agencies indicate that the followup period is not specified and that officers are monitored either continuously or on a case-by-case basis.

Limitations of the survey findings

The responses from the national survey should be viewed with some caution. Some law enforcement agencies may have claimed to have an early warning system when such a system is not actually functioning. Several police departments created systems in the 1970s, but none of those appears to have survived as a permanent program.⁸

Findings from three case studies

The research strategy for the case studies was modeled after the birth cohort study of juvenile delinquency conducted by Wolfgang and colleagues.⁹ They found that a small group within the entire cohort (6.3 percent of the total) were "chronic delinquents" and were responsible for half of all the serious crime committed by the entire cohort. The early warning concept rests on the assumption that within any cohort of police officers, a small percentage will have substantially worse performance records than their peers and, consequently, will merit departmental intervention. The research was designed to confirm or refute the assumption.

Three police departments were chosen for the case study investigation: Miami-Dade County, Minneapolis, and New Orleans. The three sites represent large urban areas, but the size of each police force varies considerably: At the time of the study, Miami-Dade had 2,920 sworn officers, New Orleans had 1,576 sworn officers, and Minneapolis had 890 sworn officers.

The three sites were chosen for several reasons. Each has an early warning system that had been operating for at least 4 years at the time of the study.

Also, the three systems differ from one another in terms of structure and administrative history, and the three departments differ in their history of police officer use of force and accountability (see "Three cities, three stories").

One goal of the case studies was to evaluate the impact of early warning systems on the officers involved. In New Orleans, citizen complaints about officers in the early warning program were analyzed for 2-year periods before and after the initial intervention. Officers subject to early warning intervention participate in a Professional Performance Enhancement Program (PPEP) class; their critiques of the class were analyzed and a 2-day class was observed to determine both the content of the intervention and officer responses to various components.

Demographic and performance data were collected in Miami-Dade and Minneapolis on a cohort of all officers hired in certain years—whether or not they were identified by the early warning systems. The performance data included citizen complaints, use-of-force reports, reprimands, suspensions, terminations, commendations, and promotions. Other data were collected as available in each site.

These records were sorted into two groups: officers identified by the early warning system and officers not identified, with the latter serving as a control group. The performance records of the early warning group were analyzed for the 2-year periods before and after the intervention to determine the impact of the intervention on the officers' behavior. The analysis controlled for assignment to patrol duty on the assumption that citizen complaints and use-of-force incidents are infrequently generated in other assignments.

Characteristics of officers identified by early warning systems. Demographically, officers identified by the systems do not differ significantly from the control group in terms of race or ethnicity. Males, are somewhat overrepresented and females are underrepresented. One disturbing finding was a slight tendency of early warning officers to be promoted at higher rates than control officers. This issue should be the subject of future research, which should attempt to identify more precisely whether some departments tend to reward through promotion the kind of active (and possibly aggressive) behavior that is likely to cause officers to be identified by an early warning system.

The impact of early warning systems on officers' performance.

Early warning systems appear to have a dramatic effect on reducing citizen complaints and other indicators of problematic police performance among those officers subject to intervention. In Minneapolis, the average number of citizen complaints received by officers subject to early intervention dropped by 67 percent 1 year after the intervention. In New Orleans, that number dropped by 62 percent 1 year after intervention (exhibit 1). In Miami-Dade, only 4 percent of the early warning cohort had zero use-of-force reports prior to intervention; following intervention, 50 percent had zero use-of-force reports.

Data from New Orleans indicate that officers respond positively to early warning intervention. In anonymous evaluations of the PPEP classes, officers gave it an average rating of 7 on a scale of 1 to 10. All of the officers made at least one positive comment about the class, and some made specific comments about how it had helped them. Officers in the PPEP class that was directly observed were actively

engaged in those components they perceived to be related to the practical problems of police work, particularly incidents that often generate complaints or other problems. Officers were disengaged, however, in components that they perceived to be abstract, moralistic, or otherwise unrelated to practical aspects of police work.

This study could not determine the most effective aspects of intervention (e.g., counseling regarding personal

issues, training in specific law enforcement techniques, stern warning about possible discipline in the future) or whether certain aspects are more effective for certain types of officers.

The impact of early warning systems on supervisors. The original design of this study did not include evaluating the impact of these systems on supervisors. Nonetheless, the qualitative component of the research found that these systems have potentially

significant effects on supervisors. The existence of an intervention system communicates to supervisors their responsibility to monitor officers who have been identified by the program. The New Orleans program requires supervisors to monitor identified officers under their command for 6 months and to complete signed evaluations of the officers' performance every 2 weeks. Officials in Miami-Dade think that their system helps ensure

Three cities, three stories

The three early warning systems in the sites selected for the case studies have different administrative histories and program structures, and the three police departments have different histories with regard to police officer use of force and accountability.

Miami-Dade County. The Miami-Dade Police Department (MDPD) currently enjoys a reputation for high standards of professionalism and accountability to reforms instituted following controversial racial incidents in the late 1970s and early 1980s.

As a result of the real and perceived problems between police and citizens, the Dade County Commission enacted legislation that opened to the public the internal investigations conducted by MDPD. In addition, an employee profile system (EPS) was created to track all complaints, use-of-force incidents, commendations, disciplinary actions, and dispositions of all internal investigations. As an offshoot of the EPS, MDPD created the Early Identification System (EIS) under the supervision of the Internal Review Bureau.

MDPD's EIS began operating in 1981. Quarterly reports list all officers who receive two or more citizen complaints that were investigated and closed or who were involved in three or more use-of-force incidents during the previous 3 months. Annual reports list officers who were identified in two or more quarterly

reports. Monthly reports list employees who received two or more complaints during the previous 60 days, regardless of disposition.

The reports are disseminated through the chain of command to the supervisors of each officer identified. As one official described the system, supervisors use the reports "as a resource to determine if job stress or performance problems exist." The information is intended to help supervisors evaluate and guide an employee's job performance and conduct in conjunction with other information.

The intervention phase of EIS consists primarily of an informal counseling session between the supervisor and the officer. The supervisor is expected to discuss the report with the officer and determine whether further action is needed. Such actions may include making referrals to employee assistance programs inside or outside the department, such as psychological services, stress abatement programs, or specialized training programs.

Postintervention monitoring of officers in the early warning system is informal and conducted by supervisors. Review of officers' performance records is designed to identify officers who continue to exhibit patterns of misconduct and to make the officers aware that their performance is being closely scrutinized. Additionally, the program puts supervisors on notice that their responsibilities include the close

monitoring of those whose performance is problematic.

Minneapolis. When the study began, the Minneapolis Police Department (MPD) had a mixed reputation and was in transition under the leadership of a relatively new chief. MPD has long had a national reputation as a police department receptive to research. At the same time, however, MPD had a troubled local reputation with respect to the use of force by its officers. This reputation eventually brought a number of important political and administrative changes in the 1990s. The mayor declined to reappoint the incumbent police chief, who had failed to discipline the police officers. The new police chief began raising standards of accountability; among other reforms, he instituted a version of the COMPSTAT process. These changes have had direct implications for the system of accountability within the MPD and complicate any attempt to evaluate the impact of MPD's early warning system.

The program was established in the early 1990s and has undergone a number of significant administrative changes, including a period of slightly more than 1 year in the mid-1990s when the system ceased functioning altogether. After the data collection period for this study, a new procedure was instituted that calls for reviewing all reports of potentially problematic officer performance every

that supervisors will attend to potential problem officers under their command. In this respect, the systems mandate or encourage changes in supervisor behavior that could potentially affect the standards of supervision of all officers, not just those subject to early intervention. Furthermore, the system's database can give supervisors relevant information about officers newly assigned to them and about whom they know very little.

The impact of early warning systems on the rest of the department. The original design of this study did not include evaluating the impact of these systems on the departments in which they operate. Nonetheless, the qualitative component identified a number of important issues for future research. The extent to which a system changes the climate of accountability within a law enforcement agency is not known, and identifying it would require

a sophisticated research design. The qualitative findings suggest that an effective early intervention program depends on a general commitment to accountability within an organization. Such a program is unlikely to create or foster a climate of accountability where that commitment does not already exist.

The data developed as a part of an early warning system can be used to effect changes in policies, procedures, or training. Presumably, such changes

Three cities, three stories (continued)

2 weeks. This procedure substantially heightens the intensity of the level of supervision. Thus, the findings reported here do not reflect current practices in the department.

The only selection criterion for the system is citizen complaints. The formal selection criteria have changed over the years, however. Currently, a quarterly report lists all officers with two or more citizen complaints, whether sustained or unsustained.

The intervention phase in Minneapolis consists of only an informal counseling session between the officer and his or her immediate supervisor. In the early years, supervisors were required to document their counseling session in the form of a memorandum to the commander. There is currently no documentation requirement, and MPD's program does not include any formal postintervention monitoring. Apart from the routine supervision applied to all officers, officers who are subject to intervention are not subject to formal monitoring and no special data are collected on their performance.

New Orleans. In the mid-1990s, the New Orleans Police Department (NOPD) had a national reputation for both corruption and use of force by its officers. Between 1995 and 1998, NOPD terminated an average of slightly more than 18 officers per year and imposed an average of more than 100 suspensions per year. At the same time, 97 officers resigned or retired

while under investigation by the department and 105 officers were either arrested or issued a citation for a criminal law violation. These are extremely high figures compared with police departments of similar size.^a

The officials associated with NOPD's Professional Performance Enhancement Program (PPEP) have a strong sense of identification with the program and are committed to maintaining and improving it. The department also conducts random integrity "stings" to identify possible corrupt activities by officers. Furthermore, PPEP does not limit its focus to individual officers, but also examines training, procedures, and supervision.^b

As in Minneapolis, changes in the program occurred after the data collection period. It is likely that the administration of the program has weakened somewhat, due largely to the retirement or departure of key individuals. Thus, the findings reported here do not reflect current practices in the department.

Officers are selected for the program on the basis of three categories of performance indicators: incidents involving conflict in arrest and nonarrest situations and referrals from supervisors. However, intervention is not automatic; commanders review performance records and exercise discretion in selecting officers.

The PPEP class consists of an overview and explanation of the program and units on human behavior, stress management, conflict management, complaint avoidance, sensitivity training, "extraneous contributors to conflict" (such as substance abuse), and techniques and assessment (which includes training related to such police activities as tactical stops, situation assessment, handcuffing, and custodial security). Each class includes a private counseling session with the instructor, during which the officer's record is reviewed and the reasons for being selected for the program are explained.

Immediate supervisors are required to monitor each officer for a period of 6 months after the intervention. During that period, the supervisor is required to observe the officer interacting with citizens while on duty and to complete a bi-weekly evaluation of the officer's performance.

a. Charette, Bernard. "Early Identification of Police Brutality and Misconduct." Miami: Metro-Dade Police Department, n.d., p. 5.

b. "Disciplinary Action Breakdown." New Orleans Police Department, February 9, 1999.

c. New Orleans Police Department, Public Integrity Division. "To Whom It May Concern." May 5, 1998.

help reduce existing problems and help the department maintain and raise its standards of accountability. Thus, these systems can be an important tool for organizational development and human resource management.¹⁰

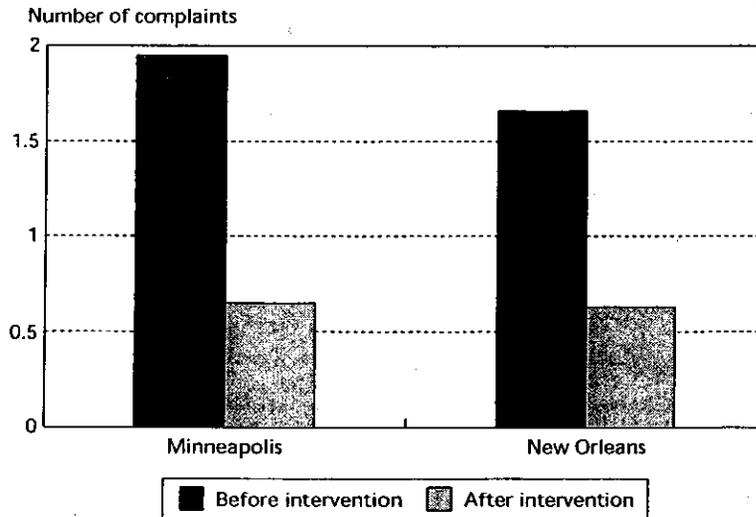
The nature of early warning systems. A second goal of the case studies was to describe the systems themselves. In all three sites, qualitative data gathered from official documents and interviews with key stakeholders yielded a description and assessment of the formal structure and administrative history of each program, along with an assessment of its place in the larger processes of accountability in the department.

In addition to finding that the early warning systems in the three sites vary considerably in terms of their formal program elements, the study documented that an effective system requires considerable investment of resources and administrative attention. Miami-Dade's program, for example, is part of a sophisticated data system on officers and their performance. The New Orleans program involves several staff members, including one full-time data analyst and two other full-time employees who spend part of their time entering data.

Early warning systems should not be considered alarm clocks—they are not mechanical devices that can be programmed to automatically sound an alarm. Rather, they are extremely complex, high-maintenance administrative operations that require close and ongoing human attention. Without this attention, the systems are likely to falter or fail.

Limitations of the case study findings. The findings regarding the impact of early warning intervention

Exhibit 1. Annual average number of complaints against officers, before and after intervention



should be viewed with caution. As the first-ever study of such systems, this project encountered a number of unanticipated problems with the data. First, it was not possible to collect retrospectively systematic data on positive police officer performance (e.g., incidents when an officer avoided using force or citizens felt they had been treated fairly and respectfully). Thus, it is not known whether early intervention had a deterrent effect on desirable officer behavior.

Second, the early warning systems in each site studied operate in the context of a larger commitment to increased accountability on the part of the police department. Given the original research design, it is impossible to disentangle the effect of this general climate of rising standards of accountability on officer performance from the effect of the intervention program itself.

Finally, the early warning systems in two of the three sites experienced significant changes during the years for which data were collected. Thus,

the intervention delivered was not consistent for the period studied. Significant changes also occurred in two sites immediately following the data collection period. In one instance, the system was substantially strengthened. In the other, it is likely that the administration of the system has deteriorated significantly; this deterioration may have begun during the study, affecting the data that were collected.

Policing strategies and legal considerations

Early warning systems and policing strategies. These intervention strategies are compatible with both community-oriented and problem-oriented policing. Community-oriented policing seeks to establish closer relations between the police and the communities they serve. Insofar as the systems seek to reduce citizen complaints and other forms of problematic behavior, they are fully consistent with these goals.¹¹

Problem-oriented policing focuses on identifying specific police problems

and developing carefully tailored responses.¹² Early warning systems approach the problem officer as the concern to be addressed, and the intervention is the response tailored to change the behavior that leads to indicators of unsatisfactory performance.

Early warning systems and traffic-stop data. The issue of racial profiling by police has recently emerged as a national controversy. In response to this controversy, a number of law enforcement agencies have begun to collect data on the race and ethnicity of drivers stopped by their officers.

An officer who makes a disproportionate number of traffic stops of racial or ethnic minorities (relative to other officers with the same assignment) may be a problem officer who warrants the attention of the department. Traffic-stop information can be readily incorporated into the database and used to identify possible racial disparities (as well as other potential problems, such as disproportionate stops of female drivers or unacceptably low levels of activity).

Legal considerations of these systems. Some law enforcement agencies may resist creating an early warning system for fear that a plaintiff's attorney may subpoena the database's information on officer misconduct and use that information against the agency in lawsuits alleging excessive use of force.¹³ Several experts argue, however, that in the current legal environment, an early warning system is more likely to shield an agency against liability for deliberate indifference regarding police use of force. Such a system demonstrates that the agency has a clear policy regarding misconduct, has made a good faith effort to identify employees whose perform-

ance is unsatisfactory, and has a program in place to correct that behavior.¹⁴

Policy concerns and areas for further research

Each of an early warning system's three phases involves a number of complex policy issues.

Selection. Although the selection criteria for most early warning systems consider a range of performance indicators, some rely solely on citizen complaints. A number of problems related to official data on citizen complaints, including underreporting, have been documented.¹⁵ Using a broader range of indicators is more likely to identify officers whose behavior requires departmental intervention.

Intervention. In most early warning systems, intervention consists of an informal counseling session between the officer and his or her immediate supervisor. Some systems require no documentation of the content of that session, which raises concerns about whether supervisors deliver the intended content of the intervention. It is possible that a supervisor may minimize the importance of the intervention by telling an officer "not to worry about it," thus reinforcing the officer's behavior. Involving higher ranking command officers is likely to ensure that the intervention serves the intended goals. Further research is needed on the most effective forms of intervention and whether it is possible to tailor certain forms of intervention to particular categories of officers.

Postintervention monitoring. The nature of postintervention monitoring

varies among systems. Some systems rely on informal monitoring of the subject officers; others employ a formal mechanism of observation and documentation by supervisors. The relative impact of different postintervention monitoring systems on individual officers, supervisors, and departments requires further research.

One tool among many

Early warning systems have emerged as a popular remedy for police misconduct. This study suggests that these systems can reduce citizen complaints and other problematic police behavior. Officers in the three departments investigated as case studies were involved in substantially fewer citizen complaints and use-of-force incidents after the intervention than before. In these three departments, however, the systems were part of larger efforts to raise standards of accountability. The effectiveness of such a system is reinforced by (and probably dependent on) other policies and procedures that enforce standards of discipline and create a climate of accountability.

An effective early warning system is a complex, high-maintenance operation that requires a significant investment of administrative resources. Some systems appear to be essentially symbolic gestures with little substantive content, and it is unlikely that an intervention program can be effective in a law enforcement agency that has no serious commitment to accountability. It can be an effective management tool, but it should be seen as only one of many tools needed to raise standards of performance and improve the quality of police services.

Notes

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Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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This study was conducted by Samuel Walker, Ph.D., Professor, University of Nebraska at Omaha; Geoffrey P. Alpert, Ph.D., Washington State University; and Dennis J. Kenney, Ph.D., Rutgers University. Support for the study was provided by NIJ grant number 98-IJ-CX-0002 through a transfer of funds from the Office of Community Oriented Policing Services.

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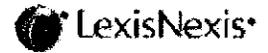
San Francisco System Will Track Use of Force

Posted: February 23rd, 2007 10:15 AM EDT

SUSAN SWARD

San Francisco Chronicle

A tracking system to identify San Francisco police officers who resort repeatedly to force or exhibit other problematic behavior won Police Commission approval Wednesday -- four years after critics first urged its adoption.



The planned computerized system will track use of force, citizen complaints, internal department complaints, officer-involved shootings whether anyone is hit or not, legal claims and lawsuits against officers, on-duty accidents and vehicle pursuits.

Problem officers flagged by the system could be subject to counseling or retraining.

Mayor Gavin Newsom, who had pushed for adoption of the system by the end of 2006 after a Chronicle series on the use of force, praised the commission's vote in a statement.

"This system is an essential innovation that will allow the department to proactively identify any issues that arise," said the mayor, who successfully lobbied to set aside more than \$1 million in the 2006-07 city budget for the system's startup costs.

Department officials say they expect the program, known as the Early Intervention System, to be fully operational by the end of the year.

The system, which attaches points to the behavior it tracks, will enable supervisors to review quickly the records of potentially problematic officers who could benefit from departmental intervention.

The 6-1 vote capped months of on-again, off-again negotiations in which the department met separately with the San Francisco Police Officers Association and the American Civil Liberties Union to try to work out a system acceptable to all. Commissioner David Campos voted no on the measure, saying he wanted a stronger system.

In his testimony, the Police Officers Association's general counsel, John Tennant, told the commission that his group would not challenge the system in its current form but reserved the right to challenge any changes proposed in the future.

The ACLU's Mark Schlosberg expressed different concerns, saying, "The order as presented is a marked improvement over the status quo, but it could be better." He told The Chronicle later that some cities have stronger systems tracking more indicators of potentially problematic behavior, including officers' involvement in resisting-arrest cases.

Plaintiffs' attorneys say officers often make resisting-arrest allegations to mask their own use of excessive force, but the Police Officers Association argues that officers in high-crime areas often face criminals who resist them and that should not be counted against them.

Samuel Walker, one of the nation's top experts on law enforcement tracking systems, voiced another criticism of the system in a letter to the commission, saying he is opposed to a provision that will not allow the system's database to be used by the department when it is making promotions or job assignments.

"I feel very strongly that this is a mistake," Walker wrote. He said the Early Intervention System "data is particularly valuable for making personnel decisions. An officer with a pattern of problematic conduct is not a suitable candidate for promotion."

Deputy Police Chief Charles Keohane told the commission Wednesday night that the information contained within the system will be available elsewhere in the department. Keohane had said earlier that the provision was inserted to reassure the police union that the system was nondisciplinary.

In 2003, both the city controller's office and the American Civil Liberties Union had strongly backed a tracking system, saying it was needed to give the department the ability to monitor officers' records and to detect patterns of conduct within the 2,100-member force.

The Police Department's current system for monitoring officers' conduct is not centralized or computerized, and some of its records -- such as its reports on its officers' use of force -- are in handwritten, often illegible form.

Many police departments across the country have installed tracking systems and echo law enforcement experts who say they are a crucial tool for identifying problem officers early before discipline becomes necessary.

The San Francisco department tracks officers' use of force and any citizen complaints filed against officers, but that information is not computerized in a fashion that produces a quick snapshot of an officer's record.

For a decade, the department also has maintained a watch list of officers who use force on citizens three or more times in any three-month period, but The Chronicle series revealed that several officers have had their names on that list numerous times yet remained on the streets alongside peers who use far less force while working in similar positions.

Before the vote, several commissioners mentioned how long it had taken to bring the general order to a final vote. Commissioner Theresa Sparks said that during her three years on the commission, she has heard repeatedly that the system would be implemented soon.

"We need to do whatever we can to get whatever resources we need. This has been going on for too long," she said.

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Appendix VII

Avoiding Pattern and Practice Lawsuits and Violations

The United States Department of Justice Civil Rights Division has found that law enforcement agencies that have designed, implemented and enforced an effective program to prevent, detect, and ensure accountability for incidents of misconduct and other civil rights violations are unlikely to violate the pattern or practice statutes. The Department of Justice has helped focus attention on these issues through the publication in January 2001 of a guide to "Principles for Promoting Police Integrity" with examples of promising police practices and policies (www.ojp.usdoj.gov/lawenforcement/policeintegrity). We recognize that law enforcement agencies differ in responsibilities, size and structure, as well as in the communities they serve. We encourage thoughtful creativity in the design and implementation of accountability systems addressed to the needs of a particular agency. Still, we have found some common denominators, which are reflected in our settlements with Cincinnati, the District of Columbia, Los Angeles, New Jersey, Pittsburgh and Steubenville. The interlocking steps to ensure accountability for civil rights violations may include the following:

- The agency has a widely known and understood philosophy that fighting crime and protecting civilians' rights are compatible and equally important aspects of the agency's mission.
- The agency has easily understood policies and procedures governing the various kinds of interactions with civilians and all uses of force (broadly defined).
- These policies include clear prohibitions on discrimination on the basis of race, gender, religion, ethnicity or national origin.
- The agency mandates that all law enforcement personnel receive clear and thorough education initially and periodically thereafter:
 - to explain non-discrimination, use of force and other citizen interaction policies;
 - to assess whether the content of these policies has been absorbed; and
 - to re-assess from time to time to ensure that the policies continue to be understood by all who implement them.
- The agency provides well-designed and well-taught initial and follow-up training in the skills, techniques, tactics, and strategy necessary to implement these policies.
- The agency provides appropriate levels and types of supervision and support for personnel in the field.
- The agency collects and retains detailed data on its performance. Specifically, the agency has an effective means of analyzing, through written reports or otherwise, police activity that can give rise to civil rights abuses, such as uses of force, traffic and pedestrian stops, post-stop searches, and arrests. These data are subject to meaningful, periodic auditing, assessment, and appraisal.
- The agency has effective systems of accountability for identification and control of police misconduct and civil rights violations built upon:
 - appropriate requirements that officers must report any illegal actions by other officers, including use of excessive force or discriminatory police practices, and protections against retaliation for officers who do so;

- appropriate systems for regular, independent auditing of police activity, such as use of force, warrantless searches and other interactions with citizens possibly giving rise to civil rights abuses;
 - a data management system, sometimes called an "early warning" system, which contains an array of information about officer or unit performance including uses of force and citizen interactions by all officers. The system is used on a regular basis by supervisors and managers to identify and remedy potential problem practices, officers or units;
 - an array of timely non-disciplinary, corrective steps to remedy any incipient problems or deficiencies in performance, policy, strategy, or tactics;
 - systems, including regular, meaningful performance evaluations, for holding accountable all relevant personnel throughout the command structure for compliance with use of force and other civil rights-related policies; and
 - timely and effective imposition of discipline, when warranted.
- The agency has well-publicized complaint reporting systems that allow civilians and officers to report claims of inappropriate law enforcement conduct. Such systems should be easily accessible to all civilians and officers, including officers who fear reprisal and civilians who are fearful of going into the police station to make a complaint.
 - The agency or jurisdiction has an office or unit with established procedures and sufficient authority to ensure thorough investigation and unbiased adjudication of both citizen and internal complaints.
 - The investigation process should avoid reliance on chain of command investigations for complaints regarding excessive use of force, discrimination, or other civil rights violations.
 - The investigation process should ensure that the individual supervising the complaint investigation process is sufficiently high-level to ensure both the integrity of the process and that appropriate action is taken on meritorious complaints.
 - The agency should cooperate fully with investigations by authorized non-agency, civilian entities, as well as criminal investigations by local or federal prosecutors.
 - The agency has in place a system that ensures appropriate discipline for officers who use excessive force or discriminatory police practices, officers who observe such illegal actions but fail to report them, and supervisors who fail in their duty to detect and report such misconduct.
 - The agency has in place a program to ensure wide public dissemination of the agency's policies and procedures governing non-discrimination, interactions with citizens, intake, investigation and resolution of citizen complaints and commendations. Such a program should ensure significant and effective outreach to the entire community served by the agency, including segments of the community comprised primarily of members of racial or ethnic minority groups.

United States Department of Justice

Complaints and Misconduct Investigations

Recommendations

1. General Policy

- Law enforcement agencies have a continuing obligation to serve the community. One aspect of this obligation is to ensure that agency procedures and actions are reasonable and effective. To fulfill this obligation, agencies should provide a readily accessible process in which community and agency members can have confidence that complaints against agency actions and procedures will be given prompt and fair attention. Such investigations will not only provide for corrective action when appropriate, but also will protect against unwarranted criticism when actions and procedures are proper. A fair and thorough investigation further serves to protect the community, the agency, and its personnel from complaints that are based on misunderstandings or invalid information.

2. Accepting Misconduct Complaints

- Civilians should be provided a full and fair opportunity to file complaints alleging officer misconduct. Civilians should be allowed to file complaints in-person, by mail, by telephone, by facsimile transmission, or, where possible, by e-mail. A complaint form should be offered, but completion of the form should not be required to initiate a complaint. Individuals should be able to obtain and file complaint forms at places other than law enforcement agencies.
- Officers and other employees should be prohibited from refusing to accept complaints, or attempting to dissuade a civilian from filing a complaint. Civilians should not be required to meet with or speak with a supervisory officer as a requirement for filing a complaint.
- Complaints should be accepted from all individuals, including those who request anonymity. Complaints should be accepted from third parties to ensure that witnesses of abuse or misconduct can file complaints as well as victims of such misconduct.

3. Reports of Misconduct

- Law enforcement officers should be required to report misconduct by other officers that they witness or of which they become aware. The failure to report misconduct should be subject to appropriate discipline. Agencies may want to consider installing a confidential hotline for reporting misconduct and ethical violations.
- Agencies should have in place appropriate protection against retaliation for officers who report misconduct.
- Law enforcement officers should be required to report to their agency any instance in which they are: arrested or criminally charged for any conduct; named as a party in a civil suit regarding on-duty conduct; or named as a party in a civil suit regarding off-duty conduct where the allegations are related to the officer's ability to perform law enforcement duties (e.g., improper force, fraud, or discrimination).

- Law enforcement agencies should seek to be notified whenever a court or a prosecutor concludes that an officer engaged in misconduct in the course of criminal investigations or proceedings (e.g., engaged in false testimony or dishonest conduct, or improperly charged an individual with resisting arrest, assault on an officer, or disorderly conduct in an attempt to justify inappropriate use of force).

4. Misconduct Investigations

- Misconduct investigations of serious misconduct allegations, including allegations of excessive force, false arrest, improper search or seizure, or discriminatory law enforcement, should be conducted by an entity that has special responsibility for conducting misconduct investigations. That entity should also conduct the investigation when the alleged misconduct occurred while a supervisor was present or occurred during the implementation of a law enforcement action that a supervisor was involved in planning. Complaints of less serious allegations also should be investigated, and not dismissed as trivial or unimportant.
- Misconduct investigations should be thorough and impartial, and conducted in a reasonable, timely and consistent manner. They also should be conducted with appropriate consideration for the due process rights of the officer, in light of applicable statutes, regulations and collective bargaining agreements. Law enforcement agencies may wish to develop written guidelines for misconduct investigations.

5. Resolution of Misconduct Investigations

- In evaluating the evidence and making credibility determinations, the decision maker should consider all relevant factors. There should not be any automatic judgment that a credibility determination cannot be made where the only or principal information about an incident is the conflicting statements of an officer and a civilian. Similarly, there should be no automatic preference for an officer's statement over a civilian's statement, or vice versa.
- Consistent with the applicable statutes, rules and labor agreements, law enforcement agencies should appropriately discipline any officer who is the subject of a substantiated misconduct allegation regarding excessive force, false arrest, improper search or seizure, discriminatory law enforcement, or discriminatory behavior in the workplace, or who fails to report misconduct by another officer. The agency also should appropriately discipline any officer: found guilty or who enters a guilty plea in a criminal case regarding on-duty conduct; or who is found in a criminal proceeding to have intentionally committed misconduct.
- In deciding the appropriate discipline for each officer who is the subject of a substantiated misconduct allegation, the agency should consider the nature and scope of the misconduct, and the involved officer's history of misconduct investigations and discipline.
- Regardless of whether a misconduct allegation is substantiated and regardless of whether discipline is ordered, the agency should additionally consider whether to require training, counseling, or other remedial non-disciplinary measure for officers who are the subject of a misconduct investigation. Where the substantiated misconduct involves excessive force, false arrest, improper search or seizure, discriminatory policing, or discriminatory

behavior in the workplace, discipline typically should be accompanied by appropriate remedial non-disciplinary measures.

- After a misconduct complaint is resolved, the law enforcement agency should, consistent with applicable rules and statutes, inform the complainant, in writing, of the disposition and results of the investigation, the reasons for the disposition, and what discipline was imposed, if any.

Best Practices Guide



International Association of Chiefs of Police

Smaller Police Departments
Technical Assistance Program

Internal Affairs: A Strategy for Smaller Departments

by Chief Beau Thurnauer

Best Practices Guide for Internal Affairs

A Strategy for Smaller Departments

By Chief Beau Thurnauer, Coventry, Connecticut Police Department

Note: Local policies and procedures on internal affairs investigations require input and review from appropriate legal advisors (for example, city or county attorneys). Concepts presented in this article reflect best practices, but must be adjusted/refined by knowledgeable legal advisors in each community.

Introduction

Every police department large and small will sometime have to deal with a complaint concerning an officer's conduct or behavior. Although the process of handling these complaints varies between agencies of different sizes located in different parts of the country, there are some basic similarities that thread themselves through law enforcement in general.

Every Chief must have a good handle on the purpose of investigating internal inquiries and take them seriously if they are interested in earning the respect of their political body, the citizenry they serve, and the officers and civilians who work for them.

The Need

Sworn officers hold awesome power. We have the unique authority to remove a person's freedom and to use deadly force. And although the nation's majority believes we use these authorities appropriately, there are those who believe that the police take advantage of and abuse their power on a routine basis. An internal affairs investigative process is meant to ensure that department policy and procedures are followed and that all department employees follow agency standards of professionalism.

Since law enforcement is accountable to everyone regardless of their opinion of us, we are obliged to insure that our officers operate within the confines of the law and according to procedure. The minute we detect any violation of not only statutory rulings, but of internal policies, we must investigate the incident and bring about swift and just correction, if required. Those town and city police departments that have not instilled confidence that every complaint will be examined, are inviting unnecessary complainants that are likely to reach town managers, mayors, and civilian review boards. Effective LA units will insure that complaints are heard at police headquarters and that they are dealt with quickly and effectively.

Sworn officers are normally complained about more than other employees, however, we must never discount the importance of our civilian staff members who interface with the public and may also be the subject of complaints. In both smaller and larger departments civilians often work in dispatch centers, handle animal complaints, and may hold other positions that have a great deal of public contact. Complaints surrounding civilian staff conduct must also be investigated swiftly and fairly to ensure and maintain department credibility, confidence, and adherence to policy.

Complaints

Who Receives Complaints?

IA policies are recommended and should always specify clearly who receives complaints. Most agencies allow complaints to be received at any level. In most agencies of 10 or fewer employees, the Chief will normally want to receive the complaint and investigate it. If there is a rank structure, it is most effective to assign the reception of the initial complaint to a supervisor. This practice allows the supervisor to assume some of the responsibility of his or her subordinate's actions. It is common for all complaints to be referred to a specific IA intake officer, usually a supervisor. However, the practice of assigning complain investigations to an IA unit, away from the first line supervisor, may cause that supervisor to feel that he/she has lost the responsibility of corrective action with his/her officers when they make a mistake. This can sometimes be interpreted as undermining authority so investigative procedures must be developed with this in mind. You may want to include the first line supervisor in the decision-making process, or you may not, depending upon personnel and other relevant issues.

In either case, it is imperative that any investigation should be completed by someone of higher rank than the person who is the subject of the investigation. Avoid having a senior patrolman investigate a junior officer. Nothing causes hard feelings faster than officers of equal rank investigating each other.

Every officer should know exactly where to refer a complainant or be prepared to receive the information and pass it on to a supervisor. For example if a patrolman is on the street and a citizen comes to him and complains that a cruiser was driving too fast the night before, the officer should be clear about exactly what to do with the information. It is never advisable to respond with anger or defensiveness.

Which Complaints to Accept

A simple declaration stating that ALL complaints against any member of the police department will be received and investigated leaves little room for dispute. CALEA Accreditation Standard # 52.1.11 states, "The agency compiles annual statistical summaries based upon record of internal affairs investigations which are made available to the public and agency employees." It also prevents the age-old problem of certain complaints being discounted or rejected for purely subjective reasons. It is difficult to explain to a citizen why one complaint was accepted and one rejected for basically the same offense. This kind of inconsistency brings a supervisor's objectivity into question when his or her peer has accepted a complaint in the past for a similar offense.

It is important for each department to, 1) set the rationale for receiving complaints, 2) assign a person the task of receiving them, and, 3) specify in a formal policy format which complaints are accepted. A *bright line rule, stating clearly that all agency employees will accept any and all complaints* is the easiest to understand and teach other employees. It is not the easiest for most employees to accept.

Some departments feel that the credibility of the complainant should be assured by requiring a sworn statement from those who make the complaint. This can insure sincerity, but it can also discourage honest people who may be skeptical or reticent. At no time should a department seek to discourage a person from making a complaint because the investigation process is embarrassing or difficult. A Community's trust in their local police department is solidified when our citizens know we want their input and will amend policies, procedures and behaviors if we find we have made mistakes.

Format of Acceptance

One common way to receive a complaint is through a formal written statement, however, a police department wanting to portray an image of true responsiveness will accept complaints in any form - by phone, mail, in person, and today, by e-mail or web form. It is highly recommended that anonymous complaints not only be accepted, but that the department's policy clearly say so. Agencies run the risk of losing valuable community input if the complaint process is not clear and simple.

Notification of Officer

Credibility with the community is important, but credibility within the organization is vital. No employee likes to be complained about, but department staff will have a higher level of public support if every investigation is done fairly and uniformly. Unless a criminal investigation prohibits it, the officer who is being complained about should know the circumstances of the complaint immediately. This standard should be no different than in our court system in which the accused has a right to face his or her accuser. Anything less will create an environment of distrust and defensiveness within the department. The chief will always want to avoid hearing staff say, "...Even criminals are treated better than cops."

The Chief of Police determines when employee notification of a complaint is made. Normally, the employee is notified the day the complaint is received. This can be done in several different ways.

It is preferable to provide an employee with a copy of any written complaint. Administrators may also have guidelines in collective bargaining agreements that have to be met concerning complaint procedure.

At this time, the officer who will be investigating the complaint should be notified. In smaller agencies, policy or tradition may stipulate that the Chief of Police will investigate all complaints. If this is not the case, the employee should know which supervisor will be conducting the complaint investigation. It is also advisable to send a letter to the complainant acknowledging the receipt of the complaint. This letter notifies the complainant that an investigation is commencing.

Since few members of the public truly understand the complaint process beyond what they have seen on TV, complainant notification often averts an irate phone call to Town Hall wondering why his/her complaint has not been attended to.

Administrative VS. Criminal Complaint Procedure

Few things cause more confusion within police agencies than the difference between administrative and criminal procedures involving a complaint. This discussion will not examine the many legal ramifications, but will include procedural basics to guide Chiefs and command staff.

Immediately after the complaint is received, the person assigned to investigate will usually be able to determine whether or not there is a criminal element to the case. If there is no criminal element then the investigation is purely administrative, meaning that the result will be personnel action not criminal action. If there is even a hint that there is criminal behavior on the part of the employee, then the first step should be to separate the matter into both a criminal investigation and an administrative investigation.

The difference between a criminal or administrative investigation is distinct. Each requires careful procedures be taken at each step in order to comply with the law; follow the agency policy and procedures; while taking care not to jeopardize prosecution, should that become necessary. Some departments run these investigations simultaneously while others prefer to complete the criminal investigation prior to beginning the administrative investigation. If a criminal investigation is needed, use Miranda rights where applicable and proceed no differently than you would in any other criminal investigation. However, chiefs must not fail to take administrative action even if a criminal investigation is underway when public or other officer safety could be compromised. For example, the IACP Model Policy for Police Officer Domestic Violence recommends that if a DV incident is confirmed, the officer be placed immediately on administrative leave and surrender his or her weapon. Failure to take administrative action regarding serious complaints, can leave the chief, agency and city vulnerable to legal liability and/ or public criticism.

When the criminal investigation has been completed, begin the administrative part. Give Garrity warnings if you feel it is appropriate. Garrity warnings are similar to Miranda, but warn the employee that failure to fully disclose information that is related to the office held, may result in disciplinary action up to and including dismissal. [See Edward J. GARRITY v. State of New Jersey (385 US 493)] You will probably not use Garrity

in every circumstance. If an employee gives you the full story with no evasiveness then your job is complete, but if they are uncooperative, then Garrity is in order.

Some departments do have policy that requires Garrity every time an inquiry is made. This procedure can be cumbersome when you have a rudeness complaint and you know you can resolve the issue by talking to the officer who may say, "Gee, I had a rotten day that day and I promise I will never let this happen again." A word of caution is in order, however, if during your routine administrative investigation, you suddenly uncover information that makes you think that criminal activity may be involved. In such a case, you should immediately cease your administrative inquiry and have someone else begin a criminal investigation.

If you have received information under Garrity rules, no information that you have obtained can be shared with the criminal investigator. A short example will make this clear. Let us say that a complainant comes to your office and states that an officer was rude during a motor vehicle stop- obscene and insulting. You then call the officer into your office and give him Garrity warnings.

The officer gives you a written statement saying that the violator had been stopped three times in the past and was a habitual offender who was just trying to get out of a ticket by making a complaint.

When you interview the passenger who was in the car with the complainant, you determine that the passenger gave the officer \$100 not to give the complainant a ticket. You decide that you want the officer arrested if the allegation turns out to be true. Since the statement that the officer provided was originally given in the Garrity environment, it is not admissible in criminal court. The criminal investigator assigned the case will not have the opportunity to see or review any of the administrative information gained up to this point. It must be a totally independent investigation. Miranda warnings will be given and the officer will be asked to give another statement under Miranda. Because of the complexity of these issues, entire courses are given to clarify Miranda and Garrity procedures. Enrollment in an LACP class or consultation with a legal advisor can be helpful.

Investigation

Course of the Investigation

It is wise to have a formalized, written policy that describes each step of the internal investigation. It serves as a guide to your employees and it lets the subject of the complaint know what to expect. This policy should outline what the investigation will include and what steps will be followed. For example, a letter will always be sent to the complainant to serve as confirmation of their complaint. It is best to keep consistency to the investigation by following all the steps all the time. It only complicates things when two citizens find they have been treated differently when they made complaints against the police. It distracts from the real purpose of the investigation and seriously erodes trust in the police department.

The complainant and witnesses should be interviewed by the investigator within 24 hours of filing the complaint, and preferably, within 24 hours of the incident. This allows the investigator to get information from the complainant and witnesses while it is still fresh in their minds and before they have an opportunity to taint their memory by second-guessing, talking with other witnesses, speaking with an attorney, or even being contacted by the subject of the complaint. A thorough and complete interview also locks the complainant and witnesses into their statements and helps identify any discrepancies or embellishments that may occur.

Interviews may be done at the police station, at the home or workplace of the complainant. If you want the complainant to really believe you are interested, I suggest you go to their home or workplace. Always check to see which is preferable. Tape recording is the best method to get accurate information, but some people are hesitant to have interviews recorded. Recording should not be a prerequisite to accepting the complaint. If

you are interviewing an officer, record the conversation then have it typed to be sworn to later. Have statements notarized if possible. It may help avoid prosecution for false statements later.

Representation

I have yet to see a situation where it would not be acceptable to allow a subject employee to be accompanied by a union officer or other representative during an interview. This is especially true in union states. Specify in the interview policy the precise amount of time the investigator will wait for this representative to appear at the interview. This will avoid unnecessary delays. The same time restraints should apply if the officer requests a lawyer.

Polygraphs and Psychological Exams

Most states allow a polygraph only if requested by the subject employee. The practice is not too common. Polygraphs have limited effectiveness in court and may muddy the waters if they are returned inconclusive. They may be more useful if used on a complainant you suspect is lying about officer misconduct.

It is possible that the polygraphist could elicit a confession from the complainant or a guilty officer if they are lying during the polygraph session. In a past case, a woman complained that an officer had been physically intrusive during a pat down. She gave a sworn statement that the officer had touched her inappropriately for over 30 seconds. The officer adamantly denied the allegation. During the polygraph, the examiner detected that the complainant was lying and gained a confession from her as she broke down emotionally during the polygraph exam.

Psychological exams can be a mixed blessing. They can be of critical value in protecting your Town or City when an officer is just not capable of handling the job, but has not violated any specific rules. However, more than one officer has been returned from a psychological exam with a clean bill of health and a written statement attesting to their mental stability.

If you decide to use this tool make sure that the appointment is made when the employee is on duty. Officers have the right to refuse a psychological exam if it is required during off duty hours. Overtime or collective bargaining issues may be involved if off-duty time is required for a psychological exam. Never discount the less radical approach of offering a troubled employee an EAP [Employee Assistance Program] appointment. Officers who exhibit out of character or consistently poor behavior could be experiencing personal problems and could benefit greatly from counseling through the confidential EAP program. This is a supervisory issue that, if noticed early on, could prevent complaints by addressing behavioral concerns of an employee when first noticed.

Thoroughness

Similar to criminal investigations, exculpatory information is also an issue in internal investigations. Make sure you conduct a thorough investigation that seeks information that may clear the officer. The investigation should examine both the pertinent facts that could possibly indict the subject employee and/or prove his/her innocence. Many states have officers Bill of Rights clauses either in union contracts or in statutes that stipulate guidelines for IA investigations that include: thoroughness, inclusion of information from all sources, and that clearly indicate that no discipline is possible without just cause.

Participation by More than One Investigator—Identifying Additional Resources

If there are many people to interview, it may be necessary to include a second investigator. If the chief is conducting the investigation, he or she may assign a supervisor to take a statement or follow-up a lead. If the department consists of the chief and patrol officers only, it is best for the second investigator to come from an outside source, like the State's Attorney's or State Police.

If you are confident that it can be handled objectively without outside help, then use an in-house investigator. Just be warned that in-house investigations can bring criticism of bias, but if you can prove the thoroughness of the investigation using your own staff, it will build tremendous credibility for your agency.

Notification Time Frames

Time frames for notification need to be specified in writing so that everyone understands the investigation process. It is normal for the entire investigation to be completed within 30 days of the original complaint. Officers should be notified within 24 hours of the original complaint. If the investigation is very complex there should be a provision that it can take longer than 30 days, but only with a written request from the investigator that is granted by the Chief of Police.

If correspondence to the complainant is necessary and/or included in a policy, the time frame should be clearly defined. Response within one week is reasonable. Complainants should be notified of a disposition within one week of the conclusion.

Storage and Retention of Files

All files should remain in a locked location within control of the Chief of Police, either in the Chief's office or in a records room nearby. Different states, towns, and police chiefs can have dissimilar ideas as to what is considered a *public record*. I recognize the divergent opinions on the subject of opening files to the public. Because public accountability is a major priority in my department, I prefer to make files (except medical information) available to the public. In five years of running an IA unit, I never had anyone but the press request reports and I never suffered negative repercussions from permitting it. In the case of Freedom of Information Law or Sunshine Laws, public review of files can be permitted. As much as we may object to the request as intrusion, if the press really wants to get to IA files, they will probably be successful. We as Chiefs will always be under scrutiny when we refuse to allow IA file examination. Any interference by the department can be construed as hiding or covering up. If officers know that all IA files will be made public unless they contain medical information, they may think twice before committing any infraction.

It is preferable to keep IA files separate from all other case files with a separate numbering system. They need not appear on the police blotter unless the offense is a criminal offense. Unless disciplinary action is taken as a result of an investigation, the report need not be included in personnel files.

An early warning system for tracking personnel complaints is highly recommended as a way to track complaints filed and to recognize if any one officer, or squad, has received multiple complaints. The smaller the department, the easier it is to track founded complaints and /or necessitate such a tracking system. This system may consist of a simple database, chart or hand-written log. It should contain every complaint filed along with the name of the officer or employee being investigated, the date and the offense alleged, and, if possible the disposition of the case and/or corrective action taken.

Annually, or at a time to be defined by the Chief of Police, the log should be examined to detect patterns. If Officer Jones has more than one complaint in a year, then you best meet with that employee and design a plan for corrective action. If no corrective action is necessary, the Chief needs to document the investigation and describe any action taken to prevent future complaints. A great deal of litigation has been written lately regarding officers who have been the subject of multiple complaints, but have not received counseling or been identified in any way. There needs to be written documentation and a real plan for correction for every complaint.

Disposition

All cases need a disposition. What terms you use are up to you. Exonerated makes it clear that the officer did nothing wrong and that the case is cleared. Inconclusive is not always a preferred disposition, but may be an honest conclusion. If you have one person's word against another, with no proof for either side, DO NOT exonerate an officer. This is an example of an inconclusive disposition. If there is proof that the officer was in

the wrong, then he or she must be held accountable to the policy and corrective action must be taken. Failure to do so will jeopardize your job, your officer, and your city.

You must notify the officer and the complainant of the disposition. Even though we sometimes take these things for granted, officers will lose a lot of sleep until the case is closed. These are the hardest decisions we often have to make. Do so with objectivity. The letter to the complainant need not include details of the investigation or even the disposition, unless you feel this is important. It should include a statement thanking the complainant for their input and telling them that the case has come to a conclusion.

Annual Reports

At the end of the year it is a good policy to make public all complaints received for the year. It need not be complex or lengthy. A simple chart excluding names, but including the types of offenses, is appropriate. The public wants to know if there were 152 rudeness complaints or if there was only one. They also want to compare yearly stats. We include ours in the town's annual report. City administrators and citizens will tend to be more supportive of a department that follows such a process and publishes this information in an annual report. These recommendations are intended to provide a smaller police department with policy and procedure for Internal Affairs that enhances department credibility with citizens, reduces liability, and builds trust with employees.

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Chief Beau Thurnauer, a twenty-two year veteran of the Manchester, Connecticut Police Department, retired at the rank of captain in 1998. For the past three years, he has served as Chief of Police in Coventry, Connecticut with a staff of 13 sworn officers. Chief Thurnauer is Chairman of the Connecticut Chief's Public Affairs Committee and serves as a member of the IACP Crime Prevention Committee, and advisor to the IACP Police Facility Design Guidelines and Services, Support and Technical Assistance for Smaller Police Departments projects. He can be contacted at the Coventry Police Department, 860-742-7331 or by email at bthurnauer@COVENTRYCT.ORG. For additional information on IACP programs for smaller police departments, contact: Elaine Deck: 800-843-4227 ext. 262 or Decke@theiacp.org.

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Airport/Logistical Info:

SEATAC Airport is 15 miles to the hotel. The training site is 4 miles from the Hotel. Transportation is by taxi, rental car or carpool.

Tuition: \$380.00 Members \$480.00 NonMembers

Prepayment not required to register. Complete your reservation form today to secure your space. Payment required prior to class start date.

Instructor Info:

Name: Steve Rothlein

Bio:

Steve Rothlein, Deputy Director (Retired), Miami Dade Police Department. Deputy Director Rothlein served the MDPD for 30 years and retired as the #2 person in charge of the department. During his career, he served as the Chief of Detectives, and commanded the Professional Compliance Bureau, the Narcotics Bureau, Training Bureau, and as the Chief of the Uniform Services Division. He is a graduate of John Jay College of Criminal Justice in New York and has a Master's Degree in Public Administration from the University of Miami. Deputy Director Rothlein teaches in all of the IACP's Internal Affairs courses and has authored numerous articles concerning the internal affairs function.

Instructor Info 2:

Name: Rick Lober

Bio:

Richard E. Lober, assistant general counsel, Florida Department of Law Enforcement. Mr. Lober is currently assigned to provide legal counsel to the Office of Executive Investigations. He received his bachelor's degree in public administration/criminal justice

from Biscayne College and his J.D. from Western New England School of Law. He has taught at the Florida Department of Law Enforcement Executive Institute, at the Metro-Dade, Florida, Police Department as an in-service instructor and at St. Thomas University. He has written numerous articles on law enforcement-related issues including articles dealing with police officers' discipline and internal affairs issues. He teaches in the "Internal Affairs: Legal and Operational Issues," "Advanced Internal Affairs: Proactive Steps for Corruption Prevention" and "Managing the Internal Affairs Unit" programs.

Prepayment not required to register. Complete your reservation form today to secure your space. Payment required prior to class start date.

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Internal Affairs Courses

<i>Select from the Course Listing below for a full Course Description...</i>
INVESTIGATIVE INTERVIEW TECHNIQUES FOR INTERNAL AFFAIRS OFFICERS
POLICE INTERNAL AFFAIRS

INVESTIGATIVE INTERVIEW TECHNIQUES FOR INTERNAL AFFAIRS OFFICERS

Specifically designed for Internal Affairs officers, this course will arm you with the skills necessary to extract accurate, high quality information from complainants, witnesses and police agency personnel. It is also designed to help you sharpen your ability to discern the innocent from the guilty. We will teach you the techniques that will allow you to arrive at the truth of an incident in a timely manner so that members of the police agency and the public can gain and retain confidence in the fairness of the disciplinary process.

The emphasis of the course will be placed on skill development, rather than fact acquisition. You will be presented with the personal requirements that an individual must possess in order to be an effective interviewer. Discussions will include the aspects of the human communication process and how interrogators can use this process to establish rapport and gain information from an interviewee. In addition, you will be taught the cognitive interview technique to enable you to obtain the maximum amount of information from willing witnesses.

Topics include:

- The verbal communication process
- Active listening techniques
- Interview/interrogation preparation
- Physical and psychological conditions that enhance results
- The interview process
- Detection of deception
- Witness memory enhancement through utilization of the cognitive interview technique
- Practical videotaped exercises
- Overview of the police discipline process

Download Course Flyer	Check Course Schedule	Register for this Course
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POLICE INTERNAL AFFAIRS

This is a comprehensive course that will take you step-by-step through the process of conducting professional and objective internal affairs investigations.

You will gain an understanding of police ethics, barriers that may hinder ethical behavior, and common types of police misconduct. We will also guide you through the legal requirements surrounding internal affairs investigations. From your department's policies and relevant administrative laws to the legal issues related to record keeping and the releasing of information to the media, you will gain in-depth information on the latest rulings and accepted procedures.

In addition, we will provide you with effective techniques to prepare for and conduct interviews of complainants, witnesses and accused officers. Since many of these cases do not have tangible evidence, the successful resolution often depends upon the skills of the interviewer.

Topics include:

- Police ethics
- Policies, rules, standards, and procedures
- Misconduct and discipline
- Complaint processing
- Preparing for and conducting interviews
- Legal issues and case law
- Special investigations
- Record keeping requirements
- I.A. and the media
- Group projects and presentations

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Welcome

Welcome to the National Internal Affairs Investigators Association (N.I.A.I.A.)

N.I.A.I.A. History - Past and Present

Meet Your N.I.A.I.A. Officers and Executive Committee

The purpose of our site is to keep our members informed with up-to-date and timely information regarding our association. You can view our On-Line Newsletter, Events Calendar. The Message Board allows members to post questions and engage in discussions about Internal Affairs issues. N.I.A.I.A. members; please apply for your web site Password today!

Events

2007 N.I.A.I.A. Annual Training Conference
10/14/2007
3:00:00 PM
Gatlinburg, Tenn

More Info

Download New N.I.A.I.A. Screen Saver and Wallpaper

policetraining.net the calendar for law enforcement training



2007 N.I.A.I.A. MEMBERSHIP DUES - \$30

2007 Membership Roster *{2007 Paid dues status as of today}

2006 Membership Roster *{2006 Paid dues status as of today}

If you have paid your 2006 or 2007 dues, please apply for your N.I.A.I.A. Web Site Password

NEW MEMBERS, please complete an On Line Membership Application or print and mail a Membership Application.

Print a copy of 2007 Membership Application (New or Renewal).

2007 Membership Dues are now payable - Please remit the \$30 dues payment to the Secretary-Treasurer at your earliest opportunity.. Upon receipt of the dues payment, your department will be listed on the active membership roster for 2007 and your web site password activated. We look forward to you becoming an active member of the Association for 2007.

If you have any additional questions, please call the Secretary-Treasurer at (919) 861-3125 or email us directly ia@niaia.org.

The N.I.A.I.A. is a professional association and not an investigative agency. We are unable to investigate citizen complaints. Please direct such matters to your local, state or federal authorities and not to our web site or mailing address. Thank you for your assistance.

News

President Message 1-07
Happy New Year to all of you.

I guess you have wondered where your president has been. Well, I like most of you have been busy with our own duties at work and the behind the scenes duties for the association. Greg Lockamy your Secretary-treasure's surveys we have been able to analyze our convention and will be instituting them at the conference. Greg has been working with Attorney's and CPA's finalizing our status. We have never applied for legal standing. We hope to be by July. I have been working on 2007 convention.

The location of the conference will be in Gatlinburg again this year. There are several reasons for this. The main one being the ease of putting it together without a sponsoring agency. This seems to be the best way to handle it for now. The hotel is being renovated with all modern and technical advances for those that need to communicate via computer. The rooms are being updated with new furniture and fixtures. Our training will be two full days Monday and Tuesday. A half day for Wednesday. We will need input for topics ASAP.

If you have not checked the website recently please do so. We have partnered with policetraining.net an organization run by Clayton Searle. Our training will be advertised. They have designed a training calendar for our organization. Check this out. There are listings for all types of training across our great country. I am proud that we have made this step.

As many of you know I have maintained an email list for the past year where I send articles along to you. Currently I am in the process of changing providers. I hope to return to providing this in the near future.

Full Text of this article