
INTERNAL AFFAIRS INVESTIGATIONS (Professional Standards)

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1004.2 PURPOSE AND POLICY

PURPOSE

The purpose of this policy is to provide guidelines for the reporting, investigation, and disposition of Complaints regarding the conduct of current Employees of the Vancouver Police Department (VPD). The Office of the Chief strives to maintain an Employee/Employer relationship while balancing the need for transparency, fairness and equity. This policy serves to notify Employees of departmental expectations relating to the investigation of allegations of Misconduct, discipline and associated procedural requirements.

The policies and procedures outlined in this document are intended to reflect the values of Vancouver Police Department:

- Open, honest and direct communication throughout the agency.
- Accountability to the public we serve.
- Responsiveness to our community's priorities and needs.
- Maintain self-discipline and credibility through honest, moral and ethical behavior.
- Respect, professionalism and open mindedness towards every person we contact.

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- Commitment to teamwork and cooperation among Department members and the community.

POLICY

A relationship of trust and confidence between members of VPD and the community it serves is essential to effective law enforcement. In order to preserve that relationship, it is crucial that public confidence be maintained in the ability and willingness of the Department to investigate and properly adjudicate allegations of Misconduct made against its Employees. To accomplish this, there must be both an expectation of, and system for, review of any allegation. This system of review needs to be responsive to both internal and external information.

VPD has established a system of Administrative Investigations and adjudication procedures that will preserve both the obligation to the public and the rights of its Employees. This system is meant to assure fair treatment of all Employees, help Employees to be successful, and correct Employee actions when improper. It is also intended to provide for organizational review to determine appropriateness of agency policies and procedures, training and/or supervision.

If discrepancies exist between this policy and a Collective Bargaining Agreement, such dispute will be resolved with the language in the Collective Bargaining Agreement taking precedence

1004.3 PROFESSIONAL STANDARDS UNIT (INTERNAL AFFAIRS FUNCTION)

The Professional Standards Unit (PSU) oversees the Internal Affairs Function for VPD. The primary purpose of the Internal Affairs Function is to ensure full, fair, objective, and timely Investigations of alleged Misconduct, or failure to follow Department policies or procedures, are conducted and documented.

It is not the purpose of the Internal Affairs Function to usurp the management responsibilities of Department supervisors. Supervisors shall continuously monitor the work environment to anticipate problems among Employees before they manifest as improper behavior or debilitating conditions. Supervisors will identify potential problematic behavior or training needs, and provide professional support in a consistent and fair manner; they will hold Employees accountable through the use of established Department systems for imposing corrective and disciplinary action.

1004.4 DEFINITIONS

The following definitions will be used throughout this policy:

Administrative Investigation/Investigation: The formal action by, or on behalf of, the Department to fully, fairly and impartially gather all relevant information (i.e., investigative procedures and processes following receipt of a Complaint, or allegation, of Employee Misconduct) in order to render findings and, if necessary, impose discipline. Depending on the seriousness of the allegations and/or the complexity of the investigation, Investigations can be assigned to the Professional Standards Unit or another supervisor based on recommendations from the chain of command, and as decided by the Office of the Chief. The Office of the Chief has the authority to utilize outside investigator(s) for discrimination, harassment, retaliation,

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whistleblower complaints or some incidents involving administrative or management employees. If an outside investigator(s) are utilized, the Office of the Chief will provide a reason to the Guild or Union.

Complaint: A complaint is a notification or report of facts which, if proven true, would amount to Employee Misconduct by one or more members of the Department.

Complaint Form: Standardized form designed and used to record the elements of a complaint.

Corrective Action: Any corrective counseling, memorandum of counseling, documentation of training, mentoring, or coaching provided to an Employee performing below expectations.

Decision-Maker: The person responsible for reviewing the investigative file (i.e., all of the documents and associated recording related to the Investigation), and rendering the appropriate supported findings (i.e., disposition classification) for the alleged Misconduct.

Discipline Guide: The guidelines utilized to determine the appropriate level of discipline, if any (see Appendix B).

Formal Discipline: Any sanction that penalizes an Employee financially through loss of pay or accrued leave (e.g., demotion, suspension, removal, leave without pay, etc.) as set forth in City Policy or relevant Collective Bargaining Agreements.

Guild/Union: This refers to the represented employees from the Vancouver Police Officer Guild, Vancouver Command Guild, and OPEIU.

IA-Pro/Blue Team: Software that allows officers, supervisors and managers to enter and manage agency identified incidents through a step-by-step internet-style interface.

Incomplete Complaint: A matter in which the party initiating a Complaint either refuses to cooperate or becomes unavailable after diligent follow-up investigation.

Inquiry: An inquiry is an expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency. An inquiry does not include an allegation of Misconduct or violation of policy by a Department member.

Member/Employee: Any person whether paid, unpaid, temporary, permanent, probationary, volunteer, appointed, non-appointed, commissioned, or non-commissioned, who is employed or supervised by VPD. The terms "Member" and "Employee" have the same meaning in this document.

Misconduct: Any violation of laws, ordinances, City and/or VPD policies/procedures.

Office of the Chief: The Chief's Office includes the Chief of Police and the Assistant Chief(s).

Preliminary Investigation: Review of basic information conducted by, or on behalf of, the Department to evaluate:

1. whether, if true, an act or omission would constitute Misconduct,
2. whether a Complaint is capable of being proven true, or

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3. whether a more appropriate means of redress (e.g., the just ice system) is already being utilized.

Professional Standards Unit (PSU): The Professional Standards Unit includes all Employees assigned to the unit by the Chief of Police. For the purpose of this policy, PSU operates as an extension and with the authority of the Office of the Chief.

Supervisor: Any commissioned or civilian Employee of the rank of Corporal, or above, or any professional staff Employee with supervisory responsibilities.

Third Party: Any person other than the individual alleged to have been injured, offended or aggrieved by a Member of this Department. The term "third-party" specifically includes witnesses, Uninvolved bystanders and citizens who learn about the incident or conduct indirectly through the internet or other media sources (e.g., those who have information based on what they have viewed online), but does not include a Supervisor or another Member of this Department who directly observes acts or omissions that may constitute a policy violation.

Time/Time Frames: All references to time or time frames are calendar days.

Written Reprimand: A Written Reprimand can be considered the first grievable level of discipline if set forth in relevant Collective Bargaining Agreements.

1004.5 ACCEPTANCE OF COMPLAINTS/INQUIRIES

A Complaint/Inquiry can come from any source (external, internal, anonymously, or Third Party) but will generally be required to contain details of known or suspected acts or omissions as opposed to vague, unsupported generalities (i.e., threadbare assertions of policy violations that are devoid of particularized facts generally will not suffice as a Complaint).

While it is preferred that a Supervisor receives and documents a Complaint/Inquiry, any Department Employee can accept a Complaint/Inquiry and forward it to a Supervisor and PSU.

Complaint Forms will be available at the front counter of all Police Department facilities, and on-line.

A Complaint/Inquiry may be filed in person, in writing, by email, by Department website, or by telephoning the Department. The following should be considered before taking a Complaint:

- (a) When an uninvolved Supervisor reasonably determines that the reporting person is satisfied that their Complaint required nothing more than an explanation regarding the implementation of Department policy or procedure, a Complaint need not be investigated. The supervisor shall document the Complaint in Blue Team as dissatisfaction with the agency and forward through the chain of command to the Office of the Chief and PSU for review.
- (b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Complaint Form. A Supervisor shall make an entry into Blue Team and forward through the chain of command to the Office of the Chief and PSU. The

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Professional Standards Unit shall be notified for tracking and attempt to contact the complainant.

- (c) Depending on the urgency and seriousness of the allegations, Complaints from juveniles should generally be taken only with their parents or guardians present, and after the parents or guardians have been informed of the circumstances prompting the Complaint.

1004.6 ALLEGATIONS OF CRIMINAL CONDUCT

The Office of the Chief shall be notified as soon as practical when an Employee is formally accused of criminal conduct (this does not include minor traffic infractions). The Office of the Chief may request a criminal investigation by an outside law enforcement agency. Any separate Administrative Investigation may parallel a criminal investigation subject to applicable legal constraints (e.g., Garrity).

An Employee accused of criminal conduct shall be provided with all rights and privileges afforded to any member of the community, and the Employee shall not be administratively ordered to provide any information to a criminal investigator.

1004.7 PROCESS FOR IN-TAKING COMPLAINTS

Upon receipt of a Complaint or suspected Misconduct by an Employee, the in-taking Supervisor will:

- (a) Obtain or articulate the details of the Complaint.
 - (a) This can be accomplished via Personnel Complaint Form, in person, phone contact, email, etc.
 - i. All complainants, whether or not they sign a Complaint Form, or initial a memorandum, will be advised there may be legal consequences for making false allegations.
- (b) Determine if Protective Action is required, (See below, Section 1004.10)
- (c) Enter the details of the Complaint into Blue Team.
 - (a) While entering the Complaint, select the options in Blue Team that are most appropriate based on the information that is available.
 - (b) Include applicable documents and photos (i.e., reports, memos, CAD calls, etc.).
- (d) The in-taking Supervisor must complete the process for in taking Complaints as soon as reasonably practical.

1004.8 PSU PROCESS FOR CLASSIFYING COMPLAINTS

Upon receipt of a Complaint, PSU will:

- (a) Assign a permanent tracking number and carbon copy the Complaint to the Employee's chain of command.

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- (b) If the Complaint is from an Anonymous or Third Party source, a Preliminary Investigation will be conducted by PSU to determine the appropriate action for resolving the Complaint.
 - (a) PSU shall provide the subject Employee notice of the Preliminary Investigation as stated in 1004.11.A and 1004.12.D.1.
 - (b) If, after a Preliminary Investigation, the Complaint requires additional action, confirm the Complaint has been classified into the appropriate category (i.e., Inquiry, Corrective Action, or an Investigation).
- (c) If the Complaint will require an Investigation, PSU will assure the Complaint Form includes any necessary signatures; however, a signature is not required for Complaints that may result in Formal Discipline as defined in this policy.
- (d) If additional fact gathering is necessary to make a determination of how to classify the Complaint, the Office of the Chief, or designee, may gather information to assist with the classification. Such fact gathering may include appropriate police reports, applicable emails or dispatch call notes.
- (e) If PSU determines an Investigation is merited, they will assign the Investigation (as detailed below) and notify the subject Employee(s) no later than seven (7) days after such determination. (See also, 1004.12.D, Notifying the Subject of the Investigation)
- (f) If PSU determines that an Investigation is not warranted based on the available facts, the PSU Lieutenant will articulate this in a memorandum recommending that no action be taken (i.e., Declined (see Section 1004.18(F))). The memo will be routed to the appropriate Assistant Chief for approval. If approved, the case will be closed as Declined, and any subject Employees will be notified. If the recommendation is not approved, the Assistant Chief will direct PSU to assign the Investigation to an investigator, per policy.

1004.9 ASSIGNMENT OF A COMPLAINT OR INQUIRY

Following classification by PSU, the Complaint will be assigned to the PSU Lieutenant or the appropriate Division Commander for investigative assignment, as follows:

- (a) – The Inquiry is referred to the Audit Supervisor for review and any necessary action.
- (b) – Typically, Corrective Action will be assigned to the Employee's Supervisor for review and follow up action as necessary; however, it may be assigned to another Supervisor at the discretion of the Division Commander or designee. Applicable documentation, and any action taken, will be documented in Blue Team and forwarded through the chain of command to the Office of the Chief and PSU.
 - (a) Unless a repeated occurrence in the past 12 months, at-fault.g., backing into an object or property damage only of a minor nature) may be handled through Corrective Action.
- (c) **Investigation** – Allegations of Misconduct not classified as Inquiries or Corrective Action will be assigned to either PSU or the appropriate division, as determined by the Office of the Chief.

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- (a) If an employee is involved in more than one (1) at-fault crash within a 12 month period, a supervisor shall handle this as an Investigation.
- (b) Regardless the number of occurrences or determination of fault, collisions that result in injury, more than a complaint of pain, or major property damage (as defined by RCW 46.52) shall be handled as an Investigation.

1004.10 TAKING NECESSARY PROTECTIVE ACTION

Prior to beginning an Investigation, the Chief and/or the Chief's designee shall determine if it is necessary to take Protective Action. Protective Action may include, but is not limited to, the following:

A. Emergency Relief from Duty

- (a) Any Supervisor may relieve a member from duty in an emergency when it appears such action is in the best interest of VPD and/or the community.
Conditions for emergency relief from duty may include, but are not limited to:
 - (a) Alleged commission of a crime that could result in loss of eligibility to perform essential job functions.
 - (b) Reasonable suspicion the Member is under the influence of either alcohol or drugs on duty.
 - (c) Apparent psychological problem.
 - (d) Apparent inability or refusal to perform the essential functions of their job.
- (b) The Supervisor imposing the emergency relief from duty shall:
 - (a) Notify the member's chain of command of the action taken.
 - (b) Complete Blue Team documentation.
 - (c) Instruct the Member they should not report to duty until notified by the Office of the Chief.
 - (d) If necessary, require the Employee to relinquish his/her badge, Department identification, Department-owned firearms, key fobs/cards and/or other Department equipment.

B. Administrative Leave

A Member may be placed on administrative leave with pay and benefits during an Administrative Investigation involving the member's conduct.

1. Administrative leave will be considered when:

- (a) The Complaint involves concerns about the Employee's ability to perform the essential functions of their job such as allegations of violation of criminal laws or dishonesty.
- (b) The Complaint involves Misconduct that may impact the City's ability to provide a safe and non-violent workplace for its Employees such as allegations of harassment, or violence in the workplace.

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- (c) Removing the Member from duty is in the best interest of the Employee, the Department or the community.
2. Administrative leave shall be approved, in advance, by the Office of the Chief.
3. During the time an Employee is on administrative leave, their case will be reviewed monthly to determine if the circumstances or situation has changed so the Employee can be returned to work, either to their regular assignment or a modified assignment, while the Investigation is in process. A decision as to whether the Member may return to work must be approved by the Chief of Police.
4. Member's Responsibilities During Administrative Leave:
- (a) Members on administrative leave shall not engage in any law enforcement activities.
 - (b) Members shall notify their assigned supervisor as to where they can be reached, and must be available during regular business hours, unless excused from such requirement in writing by the Chief of Police, or designee.
 - (c) Members will comply with any other written requirements established while they are on administrative leave status.
5. Employer Responsibilities During Administrative Leave:
- (a) When an Employee is placed on administrative leave, PSU will make completion of the Investigation a priority over other pending Investigations, except pending Investigations where another Employee was placed on administrative leave at an earlier date.
 - (b) The Office of the Chief, or their designee, will notify the affected Union or Guild that the Member was placed on administrative leave.
 - (c) When an Employee is on administrative leave, a Personnel Order shall be prepared by the Office of the Chief and distributed notifying Department members of who is on administrative leave, if they have access to police facilities, and whether or not their peace officer powers are still in effect or if they have been removed.
 - (d) After an Employee has been assigned to a period of administrative leave exceeding 30 days, and each month thereafter, the Chief shall inform the City Manager of the reasons for continued use of administrative leave, an update on the progress of the Investigation, and the estimated duration of administrative leave.
6. Review of Administrative Leave:
- (a) After an Employee has been on administrative leave for 90 days, the involved Guild or Union may request a meeting with the City Manager to voice its concerns about the length of the leave and why the subject Employee should be returned to work. The City Manager may take whatever actions they deem necessary, within the guidelines of this policy and any other applicable Department policy and/or labor agreement, regarding the administrative leave. This is not an appeal or grievance process and there is no appeal of the City Manager's decision.
 - (b) Provided the Guild, Union, or Employee subject to this policy has given the City Manager notice that it intends to file a grievance not more than 129 days after the

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Employee was placed on administrative leave and meet with the City Manager upon request, the Guild or Union may grieve the placement of an officer on administrative leave for more than 150 days. Such grievance will be heard on an expedited basis by an Arbitrator [parties to agree on 3-5 arbitrators to list as this panel]. The Arbitrator with the earliest available hearing date will conduct the arbitration. The Arbitrator will be requested to issue an expedited, summary award. The Arbitrator's fees and expenses will be borne by the City if the Employee is removed from administrative leave. The Arbitrator's fees and expenses will be borne by the Guild or Union, if the Arbitrator continues the administrative leave.

- (c) This section does not apply to Employees who are being criminally investigated.

C. Transfer to another Job Position

- (a) An Employee may be temporarily removed from their job position or specialty assignment during the Investigation and placed in another established position or a position created for the Employee within VPD.
- (b) This action is not disciplinary and will not result in a reduction or loss of wages.
- (c) This action may include directing a uniformed Employee to work in civilian clothing.
- (d) The Employee must be returned to their job position or specialty assignment if the findings for the allegations are Not Sustained, Exonerated or Unfounded unless the Department has reasonable grounds not to return the Employee to the position or assignment

D. Change in Job Responsibilities

- (a) An Employee's job responsibilities or job duties may be changed temporarily by removing or adding certain duties.

1004.11 DETERMINING APPROPRIATE ACTION FOR RESOLVING THE COMPLAINT

Complaints can be resolved in one of the following methods:

A. PRELIMINARY INVESTIGATION

The purpose of a Preliminary Investigation is to determine the veracity of the Complaint, and what appropriate action should follow. Permissible steps within the Preliminary Investigation process may include review of shift schedules, court records and interviews with non-members. Preliminary Investigations shall not include interviews of members and shall be completed within ten days of receipt of the Complaint. If no Investigation is warranted and closed by an Assistant Chief, the subject employee shall be provided the information by the end of the 10 day time period. If an Investigation is warranted, the subject employee shall be noticed by the end of the 10 day time period.

B. PREDISPOSITION SETTLEMENT AGREEMENT

A Pre-Disposition Settlement Agreement (PDSA) is an alternative method to a full Investigation when conditions are appropriate, especially when an Employee readily acknowledges their error, and wants to conclude the matter promptly. The following procedure will be followed for a PDSA:

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- (a) A subject may request a PDSA at any time following the incident that caused the need for an Investigation and up to 24 hours following the time of their interview during the Investigation. The Investigation process will continue until the PDSA is agreed upon and signed.
- (b) A Supervisor may suggest a PDSA at any time prior to implementation of discipline.
- (c) A PDSA must have the approval of the subject Employee, his/her Division Commander and the Office of the Chief.
- (d) The subject will be informed of the level of discipline that will be imposed prior to entering into the agreement. The subject has 48 hours to respond after being informed.
- (e) The subject must accept responsibility for their actions, and must either write a responsibility memorandum or be interviewed on tape acknowledging the conduct. Additionally, the Employee must agree to waive their individual right to grieve the discipline. The Employee's Guild or Union will not grieve the discipline on behalf of the Employee, but does not waive its right to grieve the actions if there is an issue that impacts the bargaining unit.
- (f) The ultimate decision on the determination of discipline rests with the Office of the Chief. Documentation of the process, and the discipline, will be created and maintained in Blue Team.

C. INVESTIGATION

The extent of the Investigation is determined by the nature and seriousness of the allegations, performance problem or alleged Misconduct involved.

Responsibility for conducting the Investigation of Complaints shall depend on the types of allegations included in the Complaint. The following procedures will be used to determine who has responsibility for conducting an Investigation. The Office of the Chief retains authority to assign Investigation responsibility outside of any of the guidelines outlined in this policy as necessary if the Chief provides a reason for the decision.

If the reporting party makes the initial Complaint to the Human Resources Department, the information will be referred to PSU and the procedures outlined in this policy, including who is responsible for conducting the Investigation, will be followed.

(a) Criminal

- (a) For an officer use of deadly force that results in death, substantial bodily harm, or great bodily harm, an independent Investigation must be completed by the Regional Independent Investigations Team (IIT).
- (b) For all other criminal Investigations, the Chief of Police may request the Investigation be conducted by an outside law enforcement agency or the Regional Major Crimes Team. If the Investigation is assigned to the Regional Major Crimes Team, the lead investigator will not be a VPD Employee.

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- (c) An Administrative Investigation and a criminal Investigation may be conducted concurrently. However, the Administrative and criminal Investigations shall be conducted independently and separate from one another.
- (d) When the Administrative Investigation may interfere with the criminal Investigation, the Administrative Investigation should be delayed.
- (e) Information derived from the criminal Investigation may be revealed to the staff member(s) conducting the Administrative Investigation.
- (b) **Administrative**
 - (a) The investigative responsibility for all Complaints will be determined by the Office of the Chief, or designee.
- (c) **When Command Staff are Subjects of a Complaint**
 - (a) If a Commander or a Lieutenant is the subject of the Complaint, the information shall be routed to the Office of the Chief to determine investigative responsibility. The Office of the Chief will assign Command Staff to conduct an Administrative Investigation on a Commander or Lieutenant. The Office of the Chief has the authority to utilize a PSU investigator or outside investigator(s). If a PSU investigator or an outside investigator(s) is utilized, the Office of the Chief will provide a reason to the Command subject and their Guild.
 - (b) If an Assistant Chief is the subject of a complaint, the Police Chief will determine investigative and decision making responsibility.
 - (c) If the Chief is the subject, the information shall be routed to the City Attorney, Human Resources Director or Deputy City Manager to determine investigative responsibility; the Deputy City Manager or designee shall thereafter render findings and impose any necessary Corrective Action or discipline

1004.12 CONDUCTING THE INVESTIGATION, INQUIRY OR CORRECTIVE ACTION

Any individual conducting an Investigation, whether it is an investigator assigned to PSU or a Supervisor in the Employee's chain of command, shall follow these guidelines as outlined in this document.

A. Due Dates and Extensions

It is in the best interest of the Employee, complainant, VPD and the City, that Administrative Investigations be completed in a reasonable period of time. The following procedures will be followed to meet those interests:

1. Due Dates

- (a) It is difficult to guarantee, or fairly determine, a specific time limit for all Investigations, and it is important these Investigations be both thorough and expedient.
- (b) Investigators will establish a deadline for completion of each Investigation, Inquiry, or Corrective Action at the time the Investigation, Inquiry, or Corrective Action is opened.

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1. For Inquiries and Corrective Actions, the deadline will normally be no longer than 30 days (see Policy 1004.9(1)(2)).
 2. For Investigations, the deadline will normally be no longer than 90 days (see Policy 1004.11.C).
- (c) Investigators have the authority to establish a shorter or longer deadline if made reasonably necessary by circumstances.

2. Extension of Due Date

- (a) If the assigned investigator anticipates the Investigation will not be completed within the designated period of time, they will prepare a written request for an extension.
- (b) This request shall indicate what remains to be done, an estimated time for completion and a reason for the request. All extensions must be approved by the Office of the Chief.
- (c) If the time for completion of the Investigation is extended, the Employee and the Union or Guild will be notified in writing of the new due date and an explanation as to why the date is being extended.

3. Failure to meet deadlines

Failure to meet the established deadline(s) or to complete the written request(s) for extension **will not** automatically result in closure of the Investigation, and **will not** automatically prevent imposition of discipline.

B. Role and Authority of the Investigator

1. Role of the Investigator

The role of the investigator is to be an objective, unbiased fact-finder.

2. Authority of the Investigator

Investigators shall have full authority to decide the extent and manner of the Investigation, and to request all the information and/or evidence necessary to fully conduct an Investigation.

This authority shall include, but is not limited to the following:

- (a) Interviews of Employees and other necessary witnesses.
- (b) Obtaining medical and laboratory information in accordance with applicable law. No employee shall be compelled to provide medical and/or laboratory information to investigators unless such information is obtained or required under state law or proper legal procedure.
- (c) Using photograph and line-up identification procedures.
- (d) Obtaining financial disclosure statements in accordance with applicable law. No employee shall be required or requested to disclose an item of his or her property, income, assets, source of income, debts or personal or domestic expenditures to investigators unless such information is obtained or required under state law or proper legal procedure.

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- (e) Obtaining information from or otherwise involving an expert.

The Professional Standards Unit will assure all of the protections required by local, state and federal law when obtaining the information.

C. Preparing to Conduct the Investigation

The investigator should follow these guidelines to prepare for conducting the Investigation:

- (a) Evaluate the specific allegations and determine what issues need to be addressed.
- (b) Determine what specific Misconduct, policy violation, procedural violation, criminal conduct or other violation would have occurred if the allegations were proven true.

D. Notifying the Subject of the Investigation

Any subject of a Complaint shall be notified that allegations have been made against them by PSU. If a Preliminary Investigation was not required or completed, the following steps shall be followed.

- (a) The notification shall be in writing and shall be delivered to the Employee within seven (7) calendar days of receipt of the complaint.
 - (a) Exceptions can be made if delivery is not physically possible, notification would prevent an effective Investigation, or notification may place another individual at risk, and with authorization from the Office of the Chief.
 - (b) Under any of these circumstances, notification shall be delivered as soon as reasonably possible.
- (b) The notification shall contain the nature of the Complaint and the information necessary to reasonably apprise the Employee of the specific allegations, conduct or incident under Investigation and the due date for completion.
- (c) Failure to notify the subject as outlined **will not** automatically result in closing the Investigation, and **will not** automatically prevent imposition of discipline.

1004.13 SCHEDULING AND CONDUCTING INTERVIEWS

These guidelines will be followed when scheduling and conducting interviews during an Administrative Investigation.

A. Scheduling Interviews

- (a) Employees shall be given at least 24 hours of notice prior to a scheduled interview unless the delay in conducting the interview would jeopardize the successful completion of the Investigation.
- (b) The notice will advise the Employee whether they are being interviewed as a witness to, or subject of the Investigation

B. Employee Rights During Interviews

- (a) The interview will be conducted at a reasonable hour, preferably at a time when the Employee is on duty, unless the seriousness of the Complaint requires otherwise,

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or there is a mutual agreement to conduct the interview during off duty time. If the interview does occur during off-duty time, the Employee shall be compensated for time spent in the interview in accordance with an applicable labor agreement.

- (b) All questions directed to the Employee during the interview shall be asked by and through no more than two investigators at one time.
- (c) The length of the interview shall be for a reasonable period of time, taking into consideration the gravity and complexity of the issue being investigated. The Employee shall be allowed to take reasonable breaks during the interview process.
- (d) The Employee shall not be subjected to offensive language or threatened with punitive action except an Employee refusing to respond to questions or submit to questioning shall be informed that failure to truthfully and fully answer questions that are specifically and directly related to the allegation, conduct, incident, their duties, or their fitness for duty may result in disciplinary action.
- (e) No promise of reward shall be made as an inducement to answering any question.
- (f) The Employer shall not cause the subject or any witness to be visited by the press or news media.
- (g) No police officer shall be compelled to submit to a polygraph examination or voice stress analyzer against their will. No disciplinary action or other recrimination shall be taken against an officer for refusing to submit to such examination nor shall it be noted anywhere in the investigator's notes, or in the investigative report the officer refused to take such an examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial or proceeding, judicial or administrative, the Employee refused to take such examination.
- (h) Subjects may provide evidence and names of other potential witnesses on their own behalf.
- (i) The Employee retains any and all rights in accordance with the Employee's Collective Bargaining Agreement.

C. Employee Responsibilities During Interviews

Employee responsibilities during the interview process include:

- (a) Employees shall be required to meet with the investigator for an interview as a witness or the subject of the Investigation.
- (b) All Employees who are witnesses to, or subjects of an Investigation, are required to cooperate in an Administrative Investigation and to truthfully and completely answer questions.
- (c) The assigned investigator(s) will not interview witnesses solely for the purpose of obtaining information about the subject's character.
- (d) No Employee shall obstruct, hinder or impede an Investigation or knowingly conceal or misrepresent material facts relating to the subject matter of an Investigation.
- (e) All Employees shall keep all information about the Investigation confidential as defined in this policy.

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D. Recording of Interviews

- (a) All interviews, including those done by telephone, can be recorded in accordance with applicable laws.
- (b) In all instances, the individual will be advised the interview is being recorded.
- (c) All interviews which are recorded shall be transcribed verbatim.
- (d) Interview recordings shall only be released in accordance with applicable law.
- (e) The Employee interviewed may have access to the recording if any disciplinary proceedings are contemplated, or prior to further questioning.
- (f) If a transcription of the recorded interview is made, the individual shall be provided a copy without cost upon request, subject to the confidentiality provisions of this policy.
- (g) An individual may bring their own recording device and record any and all aspects of the interview. Their recording and any transcription of their recording shall be subject to the confidentiality provisions of this policy.

E. Administrative Process (Garrity Rights)

Members shall cooperate with the process by responding to interview questions truthfully and completely. If a member believes it is necessary to exercise Garrity Rights, they may invoke administrative process by requesting an order to respond. The following guidelines shall apply when such request is made:

- (a) The investigator will order the member to cooperate with the Investigation by responding to all questions truthfully and completely.
- (b) The questions shall be specifically and directly related to the allegations, the conduct or incident under Investigation, job duties or fitness for duty.
- (c) The Employee will be advised failure to answer such questions will result in disciplinary action for failing to obey an order.

The Employee will be advised answers and information obtained may not be used against the Employee in criminal proceedings; however, such information could be used against the Employee in disciplinary proceedings, civil hearings or against another Department member who may be involved in criminal activity.

F. Representation During Interviews (Weingarten Rights)

- (a) Employees who reasonably believe an Administrative Investigation interview might result in discipline have a right to union representation under Washington law. (Weingarten Rights)
- (b) Employees who are witnesses in an Administrative Investigation may also have a Union or Guild representative (Union/Guild member or Union/Guild attorney).
- (c) The representative may assist and counsel the Employee, and reasonably assure the Employees' rights are protected by making brief, non-argumentative objections to questions asked.

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- (d) The representative will not disrupt the interview or prevent the investigator from obtaining the Employee's truthful testimony.
- (e) If the representative wants to make an extended argument or some other statement, they will wait until the end of the interview to do so.
- (f) An Employee representative shall not be a witness or subject of the same Administrative Investigation

1004.14 PROCEDURES WHEN NEW ALLEGATIONS ARISE DURING THE INVESTIGATION

New allegations of Misconduct may arise during the interview/Investigation process. If the allegations are the result of interviewing the subject of the Investigation, the investigator will advise the Employee of the new allegation, on the record, and may continue questioning.

If the allegations are the result of interviewing a witness Employee in the Investigation, and it may cause the witness Employee to become a subject, the interview should be stopped and the new allegations shall be investigated pursuant to the procedures previously outlined in this policy.

1004.15 PROCEDURE FOLLOWING COMPLETION OF THE INVESTIGATION

Upon completion of the Investigation, the following action will be taken:

- A. The investigator will prepare a final report.
 - (a) When the investigator is not assigned to PSU, but a VPD supervisor:
 - (a) The investigator will forward the file to the Division Commander through the chain of command.
 - (b) The Division Commander will designate who will make the decision and/or finding and forward the completed file to the Decision-Maker and notify PSU
 - (b) When the investigator is a PSU investigator or an outside investigator:
 - (a) The investigator will forward the file to the Division Commander through the chain of command.
 - (b) The PSU Lieutenant and Administration Bureau Assistant Chief will review the investigative file for completeness (i.e., Investigation addresses the facts and circumstances surrounding the allegations so a Decision-Maker can render a finding). If incomplete, the PSU Lieutenant will return the file to the investigator with comments on what needs to be done.
 - (c) Once reviewed, the PSU Lieutenant will consult with the Division Commanders and Office of the Chief to assign a Decision-Maker and forward the complete investigative file to the Decision-Maker and the reviewing chain of command.
- (c) The investigator, or PSU, will send a letter to the subject of the Investigation notifying them the Investigation has been completed and the complete Investigation is available for review. The subject of the Investigation will have 14 calendar days to review the file and provide a written response. The subject shall not be required to provide a written response.

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1004.16 PROCEDURE FOR DECISION MAKING

All findings are preliminary until reviewed through the chain of command to the Bureau Assistant Chief.

- A. For Investigations that may result in Corrective Action, the Employee's Supervisor may act as both the investigator and the Decision-Maker.
- B. If the Decision-Maker believes additional Investigation is required to determine whether or not Misconduct occurred, he/she will document the additional information required, and why such additional Investigation is needed. Any extensions will be approved in writing by the Office of the Chief, and both the Employee and Union or Guild will be notified of the extension by PSU.
- C. For Investigations that may result in sustained findings, the assigned Decision-Maker will support their findings and consider potential discipline as defined by this policy, corrective and/or disciplinary history (if any), the Discipline Guide and similar situations.
- D. The assigned Decision-Maker shall communicate with their chain of command any requests to convene an Administrative Review Panel and the Bureau Assistant Chief must approve the request. If an Administrative Review panel is convened, it will not extend the 28 day period/time limit for a Bureau Assistant Chief's review and approval of preliminary finding(s).
- E. The Administrative Review Panel may be compromised of any Supervisor and Command Staff in the subject member's chain of command, Employees assigned to PSU, legal counsel and/or the designated Human Resource representative at any time during the decision-making process.
- F. A letter will be issued to the subject notifying them of and explaining the findings. The letter will list specific policies violated by the subject. There will be no stacking of multiple overlapping polices, or of general and specific policies, for the purpose of increasing potential discipline. If there are no sustained findings, this letter will serve to close the Investigation.

1004.17 TIME FRAME FOR DECISION MAKING

The tracking of and adherence to Decision-Making time frames is the responsibility of PSU; however, the Division Commander shall assist PSU with tracking and time frame adherence regarding Investigations at the divisional level.

- A. Decision-Making should be completed within 28 days. If a decision is not made within 28 days, the Office of the Chief can approve a request to extend the timeline. The Office of the Chief will meet with the Guild or Union of the subject Employee and advise the reason(s) for the delay. The subject Employee shall be notified of the delay and the anticipated completion date.
- B. The Decision-Making process begins on the first calendar day following completion or waiver of the subject Member's 14-day review.

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1. The Decision-Making review process, excluding Investigations returned to the investigator for further Investigation, should be completed in 28 days.
 - (a) Investigations returned for additional Investigation generally does not restart the Decision-Making timeline for another 28 days.
- C. The review process is complete when the subject Employee is notified that the Decision-Maker is ready to meet with the subject Employee to discuss the findings.

1004.18 DISPOSITION CLASSIFICATIONS (FINDINGS)

The following disposition classifications will be used. Each separate allegation must be classified individually:

- A. The Investigation failed to produce sufficient evidence to either prove or disprove the allegation.
- B. The allegation did, in fact, occur but the actions of the Employee were legal, justified, proper and in conformance with policy and procedure or the result of a policy or procedure which was in error.
- C. The Investigation determined the alleged misconduct did not occur, or did not involve Department personnel.
- D. The Investigation produced sufficient evidence to substantiate the allegation of an act or omission which was determined to be Misconduct and/or violation of policy.
- E. An Administrative Investigation can be suspended when one of the following occurs:
 1. The complainant withdraws the Complaint, becomes uncooperative or refuses to assist with the Investigation.
 2. The complainant cannot be located.
 3. The Employee separates from employment with the City of Vancouver before the conclusion of the Investigation, or before a final disposition is rendered

Any Investigation may be re-opened upon the discovery of new, substantive information or evidence that may change the original final disposition unless the Employee is no longer employed by the Vancouver Police Department. In this case, the Investigation will remain Suspended.

F.

After a Preliminary Investigation, the Chief of Police or designee may Decline to investigate the allegations in a Complaint and take no further action or refer the Complaint to the appropriate Supervisor upon the satisfactory evidence of:

1. No Misconduct: The Employee's conduct, as alleged within the Complaint, does not constitutes Misconduct.

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2. **Minor or De Minimus Rules Violation:** The Employee's conduct, as alleged within the Complaint, would constitute - at most - a minor technical violation that, if sustained, would not result in discipline and is too minor or too vague to warrant supervisory intervention
3. **No Jurisdiction:** The Complaint is against a non-employee, former Employee, or an employee of another department or other agency; or the Employee resigns, retires, or will no longer be employed by the Department by the time an Investigation and disciplinary process could be completed. (Despite the option to Decline Investigations into former members, Investigations may be appropriate based on the nature and seriousness of the allegation and potential civil rights implications).
4. **Judicial or Administrative Review:** The allegations have been, or will be, subject to effective judicial or administrative review. A pending tort claim or lawsuit generally shall not be a sufficient basis for declining to investigate a Complaint.
5. **Unidentifiable Member:** A reasonable Preliminary Investigation has failed to identify the subject member.
6. **Previously Investigated or Adjudicated:** The alleged conduct was previously investigated, or adjudicated, by the department, and the current Complaint does not provide substantial new evidence.
7. **Lacks Investigative Merit:** Specific articulable reasons exist why there is no reasonable possibility that an Investigation will sustain the allegation or the Complaint is not credible or reliable.
8. **Insufficient Resources:** The workload of the Professional Standards Unit significantly exceeds available resources, and will continue to exceed available resources, for the foreseeable future and available resources are needed to be focused on more serious and more provable Complaints.

1004.19 PROCEDURE FOR HANDLING PRELIMINARY SUSTAINED FINDINGS (LOUDERMILL HEARING)

If the Administrative Investigation is preliminarily sustained and discipline recommended, a copy of the Investigation file will be given to the Employee by PSU. Prior to a final decision, the subject of a sustained allegation(s) will have an opportunity to meet with the Decision-Making authority.

During this meeting, the Employee will be given the opportunity to speak or provide written correspondence on their own behalf in response to the proposed finding and/or any discipline (Loudermill Hearing).

- A. The Employee will have 14 calendar days following the date of the notice of findings to request the meeting.
- B. If the Employee identifies deficiencies in the Investigation, the Decision-Maker can set aside the findings and send the Investigation back to an investigator for additional work.

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- C. Following the meeting, or in the absence of a proper request for a meeting, a decision will be made as to whether discipline is necessary. The decision and/or discipline will be provided to the subject in writing.
- D. No member may be disciplined for alleged misconduct if the City has known of the allegations for more than 12 months.

1004.20 PROCEDURE FOR CLOSING THE INVESTIGATION

- A. Once the closing letter is issued, the final Investigation file will be forwarded to the Professional Standards Unit in Blue Team.
- B. PSU will provide the Guild or Union a copy of all sustained Investigations when the Investigation is completed.
- C. PSU will contact the initial complainant to report the findings of the Investigation. The date, time, location and method of this contact will be documented along with any comments made by the complainant.

1004.21 DECISION TO DISCIPLINE

The Discipline Guide shall be utilized when determining the appropriate level of discipline.

A. USING THE DISCIPLINE GUIDE

- 1. Supervisors will use the Department's Discipline Guide when determining the appropriate level of discipline.
- 2. Disciplinary actions are expected to be in the standard range on the Discipline Guide.
- 3. The standard range is intended to be the appropriate discipline for violations most likely to occur in each category.
- 4. The mitigating and aggravating circumstances will be used to determine the most appropriate level of discipline within the range.

B. PROGRESSIVE DISCIPLINE

- 1. The basic principle of progressive discipline is the process of using increasingly severe disciplinary steps or measures when an Employee fails to correct a problem after being given a reasonable opportunity to do so.
- 2. The underlying principle of sound progressive discipline is to use the least severe action necessary to correct an Employee's performance, while providing the Employee a reasonable amount of time to make needed improvements. The severity of the action should only increase if their performance is not corrected.
- 3. Progressive discipline only uses termination of employment as a last resort for serious and/or repeated Misconduct, or for one incident involving the most serious law or policy violation(s).
- 4. Generally, discipline will follow a progressive discipline method. This method attempts to correct, resolve or remove the Employee's performance problem or

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Misconduct at the lowest, most effective level. It should be imposed when the supervisor/manager can reasonably anticipate the discipline will be effective.

5. It is not necessary to impose the lowest step of discipline on the Discipline Guide prior to imposing a more severe level.
6. Mitigating and aggravating circumstances may call either for by-passing or imposing the standard range of discipline. There are some acts of Misconduct, which by their nature, may result in relatively harsh discipline, even discharge, without the use of progressive discipline.

C. CORRECTIVE ACTION

The progressive discipline method may include Corrective Action such as:

1.
 - (a) Corrective counseling is a written notification from a Supervisor to a member addressing minor performance or conduct issues.
 - (b) The notification shall contain a description of the conduct or behavior requiring counseling, the steps taken to prevent recidivism and expectations of future performance. This generally occurs after a conversation with the Employee, and serves to memorialize the discussion.
 - (c) Corrective counseling is not a disciplinary action.
 - (d) Corrective counseling is documented in the performance evaluation and can be considered in subsequent discipline per the Discipline Guide.
2.
 - (a) A Performance Improvement Plan (PIP) is implemented at the discretion of a Supervisor when it becomes necessary to help an Employee improve their performance. A PIP can range in length of time based on the nature of the performance issue (generally 30-90 days). Any PIP lasting longer than one year has to be approved by the Office of the Chief.
 - (b) The Performance Improvement Plan should identify the following:
 - i. The performance to be improved.
 - ii. Employee expectations and responsibilities for performance improvement.
 - iii. The support and resources that will be provided to assist the Employee, if any.
 - iv. Consequences if performance standards are not met by the Employee
 - (c) The Performance Improve Plan (PIP) shall be retained by the Training Unit. If the Employee does meet the expectations as defined in the PIP, the supervisor will make a Blue Team entry and send a copy of the PIP to PSU.

D. WRITTEN REPRIMAND

1.

A written reprimand can be the lowest form of discipline pursuant to the Employee's Collective Bargaining Agreement. The written reprimand is maintained in the Employee's personnel records and documented in the performance evaluation. The

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documentation shall be maintained per the State of Washington Archive law. A written reprimand can be considered in subsequent discipline as outlined in the Discipline Guide.

E. FORMAL DISCIPLINE

The formal disciplinary steps from least to most severe are:

1. : A suspension includes the removal of an Employee from duty without pay for a predetermined length of time. A suspension can be of any length depending on the seriousness of the misconduct, but must be in full day increments, and calculated equivalent to eight (8) hour days. The Department has the authority to determine the dates on which the suspension will be implemented. The document is maintained in the Employee's personnel records and is documented in the performance evaluation. The documentation shall be maintained per the State of Washington Archive law.
2. : Reduction in rank is a lowering of an Employee's rank (classification). Reduction and demotion are synonymous. The reasons for reduction in rank must be stated in writing and include specific grounds and facts upon which the reduction in rank is based. The document is maintained in the Employee's personnel records, is documented in the performance evaluation and maintained per the State of Washington Archive law.
3. : Termination means the complete and final separation from employment with the City/Department for cause. The reasons for termination must be stated in writing and include specific grounds and facts upon which the termination is based. The document is maintained in the Employee's personnel records per the State of Washington Archive law.

1004.22 AUTHORITY TO DISCIPLINE

Supervisory staff at all levels of VPD hold the basic responsibility for the maintenance of a positive discipline system that is fairly and evenly applied to all Employees of the Department. Civilian Supervisors/Managers only have authority to discipline civilian personnel. All Supervisors have the authority to provide remedial training with their chain of command, when appropriate, to correct performance deficiencies.

A. Corporals have the following authority

1. To issue letters of appreciation to Employees.
2. To immediately relieve an Employee from duty or work site when necessary

B. Sergeants and Civilian Supervisors have the following authority

1. To issue letters of appreciation to Employees.
2. To take Corrective Action and issue written reprimands to Employees.
3. To immediately relieve an Employee from duty or work site when necessary.
4. To make recommendations involving any level of discipline. Sergeants and Civilian Supervisors who review an Investigation file and determine discipline more severe than a written reprimand may be appropriate will forward the file to their supervisor with a recommendation as to the appropriate level of discipline.

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C. Lieutenants have the following authority

1. To issue letters of appreciation to Employees.
2. To take Corrective Action, issue written reprimands and impose suspensions up to 3 days in length to Employees.
3. To immediately relieve an Employee from duty or work site when necessary.
4. To make recommendations involving any level of discipline. Lieutenants who review an Investigation file and determine that discipline more severe than a 3 day suspension may be appropriate will forward the file to his/her commander with a recommendation as to the appropriate level of discipline

D. Commanders and Civilian Managers have the following authority

1. To issue letters of appreciation to Employees.
2. To take Corrective Action, issue written reprimands and impose suspensions up to 10 days in length to Employees.
3. To immediately relieve an Employee from duty or work site when necessary.
4. To make recommendations involving any level of discipline. Commanders and Civilian Managers who review an Investigation file and determine discipline more severe than a 10 day suspension may be appropriate will forward the file to their Assistant Chief with a recommendation as to the appropriate level of discipline.

E. Assistant Chiefs have the following authority

- (a) To issue letters of appreciation to Employees.
- (b) To take Corrective Action, issue written reprimands, demote an Employee to a lower rank and impose suspensions up to 15 days in length.
- (c) To take any necessary protective actions.
- (d) To make recommendations involving any level of discipline

F. The Chief of Police or Acting Chief has the following authority

- (a) To issue letters of appreciation to Employees.
- (b) To take any necessary protective actions.
- (c) To take any disciplinary and/or Corrective Action up to and including termination.

1004.23 APPEAL RIGHTS

Employees who disagree with disciplinary action have access to an appeal procedure. Those procedures are contained in applicable Collective Bargaining Agreements, Civil Service Rules and City policy.

1004.24 DISCIPLINE REVIEW BOARD

- A. The Discipline Review Board (DRB) will help to provide visible, independent oversight of both the Administrative Investigation and adjudication process to reassure VPD

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Employees and the public it was a fair process, equitably imposed discipline and Employee accountable for their performance and Misconduct.

- B. The DRB will review Investigations resulting in termination of employment. The review will be requested and performed at any time following receipt of a grievance from the Guild or Union and before a decision is reached by the City Manager, or their designee.
The role of the Discipline Review Board is advisory only, and its members do not have decision-making authority.
- C. The Discipline Review Board will include the following members:
 - 1. A representative from the Employee's Guild or Union.
 - 2. A representative chosen by the Office of the Chief.
 - 3. A law enforcement professional from a police department outside of VPD at the rank of Commander or above. The law enforcement professional will be agreed upon by the Guild or Union (depending on the rank of the subject) and the Office of the Chief. If no agreement is reached, the City Manager will select the professional to fill this position.
 - 4. A representative from Human Resources.
- D. The process for the Discipline Review Board is as follows:
 - 1. When a review is required, PSU will forward a complete copy of the case file to the DRB. The DRB will not retain investigative files and will return the files to PSU upon completion of the review.
 - 2. Following review of the file, the members of the DRB will complete the Department approved form and return it to PSU.
 - 3. The DRB will base its recommendations on City policies, VPD policy and procedure.
 - 4. The Decision-Maker, as outlined in the grievance procedure, shall have final Decision-Making authority on any recommendations made by the DRB.
 - 5. The timelines and extension guidelines in the applicable Collective Bargaining Agreement shall apply.
- E. The Guild or Union, and the City, agree that the DRB's review of any Administrative Investigation, and its recommendations, will not be offered as evidence in any grievance arbitration between the parties. Should either party offer such evidence, the arbitration hearing will be suspended and a new arbitrator selected to hear the grievance. The party making the offer will bear any additional arbitration fees and costs incurred.

1004.25 REPORTS AND RECORDS

PSU is responsible for maintaining all records relating to the Administrative Investigation function.

A. Maintaining Records

Records created as a result of Administrative Investigations shall be maintained according to the following guidelines. "Maintaining" records includes holding the documents in a secure

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location and maintaining the confidentiality of the records as outlined in this and other applicable policies (VPD Policy 1024).

- (a) All **open** Administrative Investigation files will be maintained by the investigator responsible for completing the Investigation.
- (b) In accordance with Department retention guidelines, PSU maintains all **closed** Investigation files and a record of all Complaints against the Department or its members. These records are stored in a secure area separate from personnel records and other centralized records systems.

All closed Administrative Investigation files shall include, but not be limited to, the following:

- (a) An electronic copy of the original Complaint Form and/or all information pertaining to the Investigation. The investigator will then enumerate each allegation determined from the Complaint Form and others identified during the process of the Investigation.
- (b) Executive summary. This summary should include an investigative time line, interviews conducted, and documents collected by the investigator.
- (c) Interview statements. The actual transcription, or audio file, of each interview will be included.
- (d) Evidence. This section should include an evidence checklist, the actual evidence or a notation as to the location of the evidence.
- (e) Correspondence relating to the Investigation that is not protected by an applicable privilege.
- (f) Complete copies of, or references to, applicable policies, procedures, general orders or other regulations that were the subject of, and in effect at the time of, the alleged violation.
- (g) All documentation created as part of the review and adjudication process.
- (h) A copy of the final disciplinary and/or Corrective Action taken, if any, as a result of the Investigation

B. Access and Security of Closed Investigation Files

The Office of the Chief is responsible for the security of the files and records maintained by PSU. Access must be restricted to only those persons who have a legitimate right to review any of these materials. The following are basic elements of this function:

- (a) Members of the public are excluded from review of Investigation files (except as may be required under applicable public records law).
- (b) Following completion of any appeal procedure, files may only be accessed as directed by the Office of the Chief.
- (c) The Office of the Chief will record all materials being reviewed or leaving the office.
- (d) No person other than individuals identified in this policy may have access to the files.

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- (e) Anyone who has access to the Investigation information, and/or who reviews a final Investigation report, has the responsibility to keep the information confidential as outlined in this policy.

1004.26 CONFIDENTIALITY REQUIREMENTS

- A. All information obtained in connection with an Investigation shall be confidential as outlined in this policy.
- B. Any individual involved in the Administrative Investigation process, including but not limited to witnesses, the subject of the Investigation and expert authorities, will keep all information about the Investigation confidential until a finding has been made and to the extent permitted by law.
- C. The following procedures will apply to assure the information remains confidential:
 - 1. The investigator may only share information with the Office of the Chief, the Professional Standards Unit, legal counsel and Human Resources, and others with a need to know as determined by the Office of the Chief.
 - 2. The subject of the Investigation, witnesses and expert authorities may only share information with the investigator(s), the Professional Standards Unit, Union or Guild representatives, legal counsel and Human Resources.
 - 3. Members who receive any protected information are also subject to the confidentiality requirements of this policy.
- D. If VPD provides IA documents pursuant to a request under public records law, the documents provided (in the form provided) are no longer confidential under the IA policy. Use of such information is subject to the provision of the City of Vancouver Employment Policy 307 – Harassment Prevention.
- E. VPD will maintain, distribute, and retain IA documents consistent with public records and State of Washington Archive law.
- F. This section does not preclude the Guild or Union, or the City, from using the information as necessary during the grievance process outlined in the applicable Collective Bargaining Agreement, or from preparing and distributing the reports as outlined in this policy.

END OF POLICY

ATTACHMENTS:

[Discipline Guide](#)

[Offense Classes](#)

[Mitigating and Aggravating Circumstances](#)