

Personnel Complaints and Administrative Investigations

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of personnel complaints (complaint/s) regarding the conduct of both sworn and civilian members of the Sahuarita Police Department (SPD). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact with a member in the normal course of duty by a supervisor or superior officer, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

- A. The SPD takes all complaints regarding the services provided by the SPD and the conduct and performance of its members seriously.
- B. The SPD will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, town rules and the requirements of any collective bargaining agreements.
- C. It is also the policy of the SPD to ensure that the community can report misconduct without concern for reprisal or retaliation.
- D. It is the policy of the SPD that all discipline shall be administered in an equitable, fair and consistent manner.
- E. The Office of Professional Standards (OPS) Lieutenant will generate an annual personnel complaint report documenting the number of complaints received during the previous calendar year (January – December) and the associated dispositions for each complaint. Any complaints which are still pending inquiry or investigation at the time of the report will be documented as such. The report will be provided to the Chief of Police on or before January 31. A supplemental report will be provided to the Chief of Police by June 1st of each calendar year so as to include any complaints that were not dispositioned and included in the January annual personnel complaint report.

1010.3 DEFINITIONS

INVESTIGATIVE RELATED TERMS

- A. Administrative Investigation (AI): An investigation looking into the facts and circumstances surrounding a complaint or allegation that may result in discipline (written reprimand, suspension, demotion, or dismissal) or as further defined by the Arizona Peace Officers Bill of Rights (POBR) related to a member's violation of a SPD policy or directive, or a federal, state or local law, or a Town policy or rule.
- B. Administrative Leave (with/without pay): Involuntary time off during an AI, inquiry or other administrative process (sometimes also referred to as suspension with/without

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- pay). Administrative leave is not always a function of discipline, but at times is also used for the employee's mental/physical well-being.
- C. Criminal Investigation: An investigation by a law enforcement agency into a possible violation of federal, state or local law.
 - D. Incomplete Personnel Complaint: A matter in which the complaining party/parties either refuses to cooperate or becomes unavailable after diligent follow-up investigation. This does not prevent the matter from being further investigated by the SPD.
 - E. Informal Personnel Complaint: When an individual wants to make a situation, interaction or incident known to the SPD, but does not want to make a formal complaint or have any further investigation, inquiry or contact with the SPD. This does not prevent the matter from being investigated further by the SPD or having the informal complaint treated as a formal complaint.
 - F. Inquiry: A review of facts and/or circumstances surrounding a complaint or allegation of a member's conduct or performance in regard to a violation of SPD policy or of federal, state or local law or a Town policy or rule. The purpose of an inquiry is to help determine if an AI is required or if the matter can be addressed via a less formal inquiry process.
 - G. Memorandum of Findings (MOF): A formal written document that outlines the finding(s) and disposition associated with an inquiry of a personnel complaint.
 - H. Memorandum of Inquiry (MOI): A formal written document that outlines facts and information associated with an inquiry of a personnel complaint.
 - I. Notice of Investigation (NOI): A formal written document clearly advising a member they are the subject of an AI. The NOI shall contain the alleged facts or information that are the basis of the investigation, the specific nature of the investigation, the officer's status in the investigation, all known allegations of misconduct that are the reason for the interview and the officer's right to have a representative present at the interview, as well as any other applicable POBR requirements.
 - J. Notice of Investigation Witness (NOIW): A formal written document clearly advising a member they are believed to be a witness in an AI. The NOIW shall clearly state the officer's status in the investigation, as well as their responsibility to maintain confidentiality in regards to the NOIW and any further information they may become aware of due to their association with the investigation.
 - K. Peace Officers Bill of Rights (POBR): As defined in ARS Title 38 Chapter 8.
 - L. Personnel Complaint (complaint): Any matter brought to the attention of a member of the SPD alleging a member's violation of a SPD policy, directive or a federal, state or local law or a Town policy or rule.
 - M. Representative: As defined in ARS 38-1104 and 38-1105 for subject officers and witness officers.

DISPOSITIONS - FINDINGS [Associated with an SPD Inquiry or AI]:

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- A. Exceptionally Cleared: A disposition that may be applied to an inquiry/AI when other dispositions are not applicable or fully applicable (i.e., the member is no longer available to be interviewed, a disposition cannot be applied to the member, circumstances prevent other dispositions, etc.).
- B. Exonerated: When the inquiry/AI discloses that the alleged act or violation occurred but the act or violation was justified or within reason for the known circumstances.
- C. Inconclusive: A finding when the inquiry/AI discloses insufficient evidence to sustain the personnel complaint or fully exonerate the member or apply any other finding.
- D. Non-Preventable: The result of an incident (i.e., traffic collisions) is determined to have been unavoidable with the member applying reasonable decision making and/or action.
- E. Preventable: The result of an incident (i.e., traffic collisions) is determined to have been avoidable if the member would have applied reasonable decision making and/or action.
- F. Sustained: When the inquiry/AI discloses sufficient evidence or information to establish that the act occurred and it constituted misconduct or a violation of a SPD policy, directive or of a federal, state or local law or a Town policy or rule.
- G. Unfounded: When the inquiry/AI discloses that the alleged acts or violations did not occur.

DISCIPLINE (Formal and Informal):

- A. Formal Discipline: A written reprimand, suspension, demotion or termination as a result of misconduct or unsatisfactory performance, commonly determined via an AI.
 - 1. Demotion: A loss in rank as a result of a disciplinary action. A member's seniority may be impacted as they move from a higher rank to a lower rank and will be determined by the Chief of Police at the time of the demotion.
 - 2. Suspension Without Pay: Involuntary time off with the loss of pay. The duration of the suspension will depend on the severity of the violation of a SPD policy or directive or of a federal, state or local law or of a Town policy or rule. Suspension without pay shall be in accordance with the Town's Personnel Policy Manual. The dates of the suspension without pay will be determined by a division commander or the Chief of Police.
 - (a) Loss of leave: A voluntary forfeiture of earned and available vacation hours by the member in lieu of or in conjunction with suspension without pay (i.e. the member is suspended for 40 hours without pay, but forfeits 20 hours of vacation, so only has to serve 20 hours without pay). Loss of leave is solely available at the discretion of the Chief of Police.
 - 3. Termination: Formal separation of the member from employment with the Town of Sahuarita and the SPD due to violation(s) of a SPD policy or directive or of a federal, state or local law or a Town policy or rule or because of poor performance.

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4. Written Reprimand: Written documentation placed in an employee's personnel file and an OPS file that clearly documents the specific violation(s) of a SPD policy or directive or of a federal, state or local law or of a Town policy or rule. Written reprimands may also be placed in the member's HR file.

B. Informal Discipline: Members may receive coaching, training and mentoring by a supervisor or superior officer, typically in the form of verbal counseling, a DEENS note, a documented counseling memorandum (DCM) or a performance improvement plan (PIP) designed towards helping the member meet the standards of the department. Coaching, training and mentoring in the form of verbal counseling, a DEENS note, a DCM or a PIP may sometimes be referred to as informal discipline, but is not considered a reprimand or formal discipline.

1. Department Electronic Evaluation Note System (DEENS): DEENS is a system of electronic files stored on a Town server. Each SPD employee has a specific "DEENS" file that stores evaluation notes generated by supervisors and superior officers. DEENS notes follow a format of Date, Author, and Details, which helps to document quality or unsatisfactory work by an employee. DEENS notes can be an electronic or scanned copy of an email, letter, card, or note from someone, or other documentation that describes employee performance, or lack thereof. The actual note or entry must include clear language that describes the employee's performance. A member may only have a DEENS note placed in their DEENS file by a member of a higher rank. A DEENS note regarding poor performance or failure to meet minimum standards and/or requirements is not a reprimand or formal discipline.

(a) A member of any rank or position may forward information associated with quality performance by any member to a supervisor or superior officer and recommend such performance be documented in a DEENS note or higher level of recognition.

2. Documented Counseling Memorandum (DCM): A DCM is a specific SPD form designed to document poor employee performance with the goal of having the employee improve such performance. It is used when the poor performance is more significant than poor performance that may be documented by way of a DEENS note. Authority to issue a DCM can only be approved by a rank higher than a front line supervisor. A DCM regarding poor performance or failure to meet minimum standards and/or requirements is not a reprimand or formal discipline.

3. Performance Improvement Plan (PIP): A PIP defines a significant deficiency or deficiencies in an employee's performance or skill sets and includes a plan of action to help the employee correct their performance or skill level to at least an acceptable level. A PIP clearly describes deficiencies, outlines a plan on how to correct the deficiencies, identifies possible training for the employee, and provides a period of time for the employee to improve their performance. A PIP can last for one to six months. A PIP typically includes regular reviews of an employee's work product and performance along with supervisory check-in meetings. A PIP regarding poor performance or failure to meet minimum standards (i.e., lack of skill or skill sets) and/or requirements is not a reprimand

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or formal discipline. Authority to issue a PIP can only be approved by the Chief of Police.

4. Verbal Counseling: Informal or formal discussion between a member and a supervisor and/or superior officer to coach, train, and mentor them to meet the minimum standards and requirements of the SPD or the Town. The goal of verbal counseling is to bring a concern to the employee's attention before it progresses to a higher level of poor performance or failure to meet minimum standards and requirements. Verbal counseling regarding poor performance or failure to meet minimum standards and/or requirements is not a reprimand or formal discipline.

1010.4 FORMS AND SOURCES OF PERSONNEL COMPLAINTS AND AUTHORITY TO LOG/INITIATE COMPLAINTS

- A. Hard copy personnel complaint forms will be maintained in a clearly visible location in the public lobby of the SPD and will be accessible through the SPD Webpage. Forms may also be available at other Town of Sahuarita facilities (i.e., Town Hall, etc.).
- B. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.
- C. Sources of personnel complaints:
 1. Individuals may make complaints in any manner, including in writing, by email, web submission, in person, by telephone, etc.
 - (a) Any SPD member becoming aware of alleged misconduct that reasonably may result in a written reprimand, administrative leave with or without pay (suspension), demotion or termination shall immediately notify a supervisor or superior officer.
 2. Supervisors and/or superior officers shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action (written reprimand, administrative leave with or without pay (suspension), demotion or termination).
 3. Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information provides for such an inquiry.
 4. Tort claims and lawsuits may generate a complaint that results in an inquiry or AI.

1010.5 ACCEPTANCE OF COMPLAINTS

- A. All complaints will be received courteously by any member of the SPD and promptly given to an on-duty supervisor, superior officer or OPS Lieutenant.
 1. Complaints may be made by an anonymous person or source and these types of complaints shall be accepted by members.
- B. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor or superior officer. If a supervisor or superior officer is not immediately available to take an oral

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- complaint, the receiving member shall obtain contact information sufficient for the supervisor or superior officer to contact the complainant.
- C. The supervisor or superior officer, upon contact with the complainant, shall complete and submit a complaint/commendation form.
 - 1. If an individual wants to provide a report orally, the supervisor or superior officer taking the report shall read the following (as required by law) advising the individual of ARS 13-2907.01 (False Reporting to Law Enforcement)
 - (a) Pursuant to ARS 13-2907.01, it is a class 1 misdemeanor to knowingly make to a law enforcement agency a false, fraudulent, or unfounded report or statement, or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer.
 - D. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.
 - E. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is an issue, a supervisor or superior officer shall orally report the matter to the subject member's Division Commander or the Chief of Police, who will initiate appropriate action. Supervisors and superior officers are reminded of the sensitive nature of these allegations and should not discuss the allegations with other members outside of the Chain of Command unless directed to do so.
 - F. A supervisor or superior officer who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.
 - G. Supervisors and superior officers are to keep in mind that some members have certain procedural rights related to the Arizona Peace Officers Bill of Rights (POBR).

1010.6 INITIAL DOCUMENTATION OF COMPLAINTS

- A. Supervisors or superior officers shall ensure that all complaints are documented on a complaint/commendation form. If the individual filing the complaint refuses to or can't complete the complaint/commendation form, the supervisor or superior officer taking the complaint shall be responsible for completing the form. The supervisor or superior officer shall ensure the nature of the complaint is defined as clearly as possible.
- B. The supervisor or superior officer taking the initial complaint shall ensure immediate medical attention is provided when appropriate, and will cause photographs to be taken of alleged injuries, damage, etc.
- C. The supervisor or superior officer initially taking the complaint shall ensure reasonable efforts are made to obtain names, addresses and telephone numbers of any possible witnesses or other involved parties disclosed by the complainant.
- D. All complaints, to include any complaint/commendation form, will be entered into the "BlueTeam/IA Pro" system (personnel complaint tracking software) by the supervisor or superior officer receiving the initial complaint.

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1010.7 PERSONNEL COMPLAINTS

- A. Complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy, or a federal, state or local law, or a Town policy or rule.
- B. Complaints may be generated internally by a Town employee, SPD member or by a member of the public.
- C. Inquiries about conduct or performance that, if true, would not violate a department policy or a federal, state or local law, or a Town policy or rule may be handled informally by a supervisor or superior officer and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the SPD or members of the SPD.
- D. No member shall dissuade or attempt to dissuade a complainant from making or submitting a complaint.
- E. The Chief of Police or authorized designee will determine if any allegation of misconduct or improper job performance will be addressed via an inquiry or an AI. Only the Chief of Police or authorized designee may authorize and direct a NOI to be issued (served).
 - 1. Complaints of a less serious nature (i.e., the complaint, if true, doesn't equate to a written reprimand, suspension or a more serious remedy) may be addressed by the OPS Lieutenant and may be assigned to a sergeant.

1010.8 ROUTING AND ACCEPTING OF PERSONNEL COMPLAINTS - INQUIRY LEVEL

- A. Any member below the rank of sergeant (or a civilian supervisor) shall promptly advise a supervisor or superior officer when any complainant brings forward, via any method (in person, email, telephone, etc.), a complaint, whether or not the complainant advises they want it handled formally or informally.
- B. All supervisors and superior officers shall promptly record, collect and secure any information provided (audio/video/pictures/documents/writings of notes/narrative, etc.) regarding alleged misconduct or alleged violations of a SPD policy or a federal, state or local law, or a Town policy or rule.
- C. If a complainant does not provide adequate information on a SPD Complaint/Commendation form to understand the complaint or issue, the supervisor or superior officer taking/documenting the complaint shall assure enough information is entered into the summary section of BlueTeam/IA Pro to better understand the complaint or issue.
- D. The supervisor or superior officer who initially takes/documents information associated with a complaint shall promptly place the information into BlueTeam/IA Pro and email the OPS Lieutenant to advise him/her of the complaint, unless the OPS Lieutenant was the person initially taking/documenting the complaint.
 - 1. For any complaints that may result in termination, demotion or significant SPD/Town liability (i.e., mistreatment of a person because of their ethnicity, gender,

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age, religion, nationality, disability, sexual orientation, etc, or an illegal arrest, improper use of force, etc.), a division commander and the Chief of Police should be promptly briefed on the complaint.

2. The term "promptly" used throughout this policy means as quickly as reasonably possible, but always within 24 hours of taking or becoming aware of the initial complaint.
- E. The OPS Lieutenant shall review each complaint received by the SPD to determine the best course of action. As outlined in 1010.7E(1), "Complaints of a less serious nature (i.e., the complaint, if true, doesn't equate to a written reprimand, suspension or a more serious remedy) may be addressed by the OPS lieutenant and may be assigned to a sergeant." If the Chief of Police determines an Administrative Investigation will occur, refer to sections 1010.13 through 1010.23 of this policy.
- F. If an inquiry is determined to be the best course of action, the OPS Lieutenant will determine if the complaint will be routed to the member's supervisor, or another supervisor, for inquiry.
- G. Inquiries associated with members in a particular division will typically be addressed by supervisors or superior officers from that division unless otherwise directed.
- H. Once the initial inquiry has been completed, the individual completing the inquiry will submit a MOI to the OPS Lieutenant via email. The OPS Lieutenant shall place the MOI into BlueTeam/IA Pro.
- I. The OPS Lieutenant will review the MOI along with other available information (i.e., case reports, BWC, etc.). If they are in agreement as to the disposition and findings, then the OPS Lieutenant will close the complaint with a Memorandum of Findings (MOF) and place it into BlueTeam/IA Pro.
- J. If the OPS Lieutenant is not in agreement as to the inquiry disposition-finding(s), the SSD Division Commander shall make the final determination as to a disposition and findings and will cause a final MOF to be placed in BlueTeam/IA Pro.

1010.9 TIME FRAMES ASSOCIATED WITH PERSONNEL COMPLAINTS - INQUIRY LEVEL

- A. When the SPD has received a complaint through any means, (writing, in person, email, telephone, etc.) the complaint should be logged and documented in BlueTeam/IA Pro by a supervisor or superior officer by the end of the shift in which the complaint was received, but no later than 96 hours after being received.
- B. The OPS Lieutenant will acknowledge receipt of the complaint to the complainant within three business days of logging/documenting the complaint in BlueTeam/IA Pro (excluding weekends and holidays). The OPS Lieutenant shall assure each complaint is assigned an appropriate BlueTeam/IA Pro case number.
- C. The individual who will be responsible for conducting the inquiry will be notified within 10 days of the complaint being entered into BlueTeam/IA Pro.
- D. The individual assigned the complaint has two weeks to complete the inquiry and author a MOI, unless given an extension by the OPS Lieutenant or SSD Commander.

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Any extension of this two week period shall be documented in writing. The MOI will be submitted to the OPS Lieutenant who shall cause it to be placed into BlueTeam/IA Pro.

- E. The individual(s) responsible for determining a disposition and finding(s) has two weeks to review the inquiry and author a MOF, unless given an extension by the OPS Lieutenant or SSD Commander. The OPS Lieutenant shall cause the final MOF to be placed into BlueTeam/IA Pro.

1010.10 RESPONSIBILITIES WHEN CONDUCTING AN INQUIRY AT THE INQUIRY LEVEL

- A. When conducting an inquiry, any interviews with witnesses, victims or involved others should take place during reasonable business hours or hours reasonable for the person(s) being contacted or interviewed.
- B. The individual conducting the inquiry shall ensure that the nature of the complaint is defined as clearly as possible.
- C. The individual conducting the inquiry shall ensure reasonable efforts are made to obtain names, addresses, email address(es), and telephone numbers of any possible witnesses or other involved parties disclosed by the complainant.
- D. Whenever reasonably possible, inquiries shall be recorded utilizing a BWC, DAR or other recording device as approved by the SPD.
- E. The inquiry should include the review of all available information such as case reports, BWC footage, recordings, pictures, etc.
- F. While conducting the inquiry, individuals are to keep in mind some members may have certain procedural rights related to the Arizona Peace Officers Bill of Rights, ARS Title 38 Chapter 8.

1010.11 ADMINISTRATIVE SEARCHES

- A. Assigned lockers, storage spaces, work areas, and other areas, including desks, offices, vehicles, and other assigned SPD equipment (i.e., MDC, laptop, desktop computer, cellphone, etc.), may be searched as part of an inquiry or administrative investigation upon reasonable suspicion of misconduct.
- B. Such areas may also be searched at any time by a supervisor or superior officer for non-investigative purposes, such as obtaining a needed report, other document or equipment.
- C. Supervisors or superior officers shall provide reasonable advance notice of an administrative search when appropriate and reasonably possible.

1010.12 ADMINISTRATIVE LEAVE

- A. When a complaint of misconduct is of a serious nature, or when circumstances/information indicate that allowing a member to continue to work would adversely affect the mission of the SPD, the safety of persons, create significant liability for the member, other members, the public, SPD or Town, the Chief of Police, or authorized designee, may temporarily assign the member to administrative leave or another duty

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assignment limiting interaction with the public, certain job duties or law enforcement actions and tasks. Administrative leave is sometimes referred to as a suspension with or without pay. The Chief of Police will determine if the administrative leave is paid or unpaid, and this will be clearly communicated to the member prior to such action taking place.

- B. Administrative leave with and/or without pay shall be in accordance with the Town's Personnel Policy Manual.
- C. Any member placed on administrative leave or assigned to different duties:
 - 1. May be required to relinquish any department badge, identification, assigned weapon(s), vehicle, hard or electronic key(s), access to SPD/Town computer(s), phones, communication and/or software systems, and any other SPD/Town equipment.
 - 2. Shall be required to continue to comply with all applicable SPD/Town policies and lawful orders of a supervisor or superior officer.
 - 3. May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the administrative leave, inquiry or an AI. The member will remain available (minimally via telephone) for contact at all times during such schedule/shift, and will be able to respond the SPD/Town Hall within one hour when directed.
 - 4. May have all or some law enforcement peace officer power or authority suspended by the Chief of Police or authorized designee.

1010.13 ADMINISTRATIVE INVESTIGATIONS AND NOTIFICATIONS

- A. Administrative investigations will only be conducted at the discretion and direction of the Chief of Police or authorized designee.
- B. The Chief of Police or authorized designee can assign any member, regardless of rank, as the primary investigator of an AI.
- C. The Chief of Police or authorized designee can request an outside agency/entity to conduct an AI.
- D. Any member who is the subject of an AI will be served with a NOI, as soon as reasonably practicable and prior to any AI interview.
- E. Any member who is believed to be a witness associated with an AI will be served with a NOIW, as soon as reasonably practicable, and prior to any AI interview.

1010.14 ADHERENCE TO AZ PEACE OFFICERS BILL OF RIGHTS

- A. SPD members covered by POBR, shall be afforded all such rights as outlined in ARS Title 38 Chapter 8 and any other rights established by the Town's Personnel Policy Manual or any applicable collective bargaining agreement.
 - 1. Upon any AI, and prior to any AI interview, all subject and witness officers covered by POBR shall be reminded that their rights are listed in ARS Title

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38, Chapter 8 and that the Town's Personnel Policy Manual is located on the Employee Self Service (ESS) website.

- B. Interviews of a subject member shall be at the SPD or other reasonable and appropriate place, as determined by the investigator(s).
- C. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations when possible. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications, etc.) and the Chief of Police.
- D. All members shall provide complete and truthful responses to questions posed during any inquiry or AI interview.
- E. No investigation should be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list (also known as the Arizona Rules of Criminal Procedure Rule 15.1 database).

1010.15 ADMINISTRATIVE INVESTIGATION DOCUMENTATION FORMAT

Administrative investigations shall be thorough, complete and follow the below format:

COMPLAINANT: [Lists the complaining party/parties.]

DATE OF COMPLAINT: [Date the complaint was made or the SPD became aware of the complaint.]

DATE OF OCCURRENCE: [Date or dates the alleged violations occurred.]

NATURE OF ALLEGATIONS: [Short synopsis of the allegation without listing policy or code violations.]

NAME OF MEMBER: [List of member(s) and alleged violations, rules, laws, etc.]

PERSONNEL INVOLVED: [List of persons and their roles in the AI.]

COMPLAINT SYNOPSIS: [Synopsis of information explaining what the reader will read about.]

NOTICE OF INVESTIGATION ADVISEMENT (NOI): [Information on when, where and how a NOI was served.]

INVESTIGATION: [Full chronological accounting of the actual investigation to include separate headings for each person interviewed and other information learned.]

DOCUMENTS/EVIDENCE REVIEWED: [Other investigative information is placed in the section (i.e., MVD/Court records, explanation of other investigative steps, etc.)]

Blank template files related to AI are supplied via the Executive Assistant to the Chief of Police or through the BlueTeam/IA Pro system.

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Members conducting an AI shall ensure they conduct a fair, balanced and thorough investigation to include collecting all reasonable evidence and information (recording statements, taking applicable pictures, collecting copies of digital evidence, etc.),

1010.16 TIMEFRAME FOR THE COMPLETION OF ADMINISTRATIVE INVESTIGATIONS

- A. All AIs shall be conducted within 180 days and/or in accordance with ARS Title 38, Chapter 8 and the Town's Personnel Policy Manual.
 - 1. With good cause (extenuating circumstance), the Chief of Police may extend the 180 day time period.
- B. Typically, an AI will be completed within 45 days of being assigned to an investigator(s).

1010.17 REVIEW OF AN ADMINISTRATIVE INVESTIGATION

- A. Upon completion of an AI, the AI should be forwarded to the Chief of Police.
- B. If the Chief of Police believes further investigation is needed, the Chief of Police may return the entire investigation to the assigned investigator(s) for further investigation or action.
- C. Once completed, the Chief of Police will assign a member to review the investigation for a disposition and finding(s). The assigned individual will author a "Review and Findings" document reference their disposition and finding(s).
- D. A different individual, designated by the Chief of Police, will review the investigation and findings. This individual shall also review the member's personnel file and any other relevant materials to make a recommendation reference a remedy. Prior to recommending a remedy, the second reviewer shall request a basic summary of similar disciplinary cases (same and similar) from within the last two years from the OPS Lieutenant (ARS 38-1104). The second individual will then complete a "Recommended Remedy" document stating their recommended remedy and cause it to be promptly submitted to the Chief of Police.
- E. The Chief of Police may accept or modify any classification or recommendation for remedy (disciplinary action).

1010.18 ADMINISTRATIVE INVESTIGATION - CHIEF OF POLICE RESPONSIBILITIES

- A. Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the assigned investigator for further investigation or action.
- B. Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that may be imposed.
- C. Prior to imposing any formal discipline, the full AI to include any same and similar remedies within the last two years, shall be provided to the subject officer (member).

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- D. The Chief of Police shall ensure all requirements of POBR (ARS Title 38, Chapter 8), the Town's Personnel Policy Manual, and any applicable collective bargaining agreement are adhered to.

1010.19 NOTICES TO COMPLAINANT REGARDING DISPOSITION-FINDINGS OF A COMPLAINT

- A. The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation as appropriate (i.e., it's ongoing, has been submitted, is under review, etc.).
- B. The Chief of Police or authorized designee should ensure that the complainant is notified of the disposition of the complaint (i.e., sustained, not sustained, exonerated, unfounded, etc.).

1010.20 PRE-DISCIPLINE EMPLOYEE RESPONSE

- A. The pre-discipline process (for formal discipline) is intended to provide the subject member with an opportunity to present a written or oral response to the Chief of Police, or the Chief of Police and the Human Resources (HR) Director, after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline.
- B. The member shall consider the following:
 - 1. The response is not intended to be an adversarial or formal hearing.
 - 2. The member may suggest that further investigation could be conducted or the member may offer any additional information or mitigating factors for the Chief of Police or the Chief of Police and the HR Director to consider.
 - 3. In the event the Chief of Police elects to cause further investigation to be conducted, the member shall be provided with the results prior to the imposition of any discipline.
 - (a) The member may, after additional investigation, have the opportunity to respond further orally or in writing to the Chief of Police or the Chief of Police and the HR Director on the limited issues of information raised in any subsequent materials, prior to the imposition of any discipline.

1010.21 POST-DISCIPLINE APPEAL RIGHTS

- A. Non-probationary members have the right to appeal formal discipline as outlined in POBR (ARS Title 38, Chapter 8), the Town Personnel Policy Manual or any applicable bargaining agreement.

1010.22 PROBATIONARY MEMBERS AND OTHER MEMBERS

- A. At-will and probationary members may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and

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without notice or cause at any time. These individuals are not entitled to any rights under this policy.

- B. Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent (i.e., sick, vacation, time off, etc.) for more than a week or when additional time to review the individual's performance is considered to be appropriate.

1010.23 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

- A. In the event a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the AI.
- B. The tendering of a resignation or retirement by itself shall not serve as grounds for the termination of any pending inquiry, AI or discipline.

1010.24 LEVELS OF DISCIPLINE AND AUTHORITY TO RENDER DISCIPLINE

- A. The SPD utilizes both formal and informal types of discipline to address personnel complaints and AIs.
- B. Informal discipline that equates to a DCM or PIP will be included in the member's annual performance evaluation.
- C. Informal discipline (DEENS note, verbal counseling) may be included in the member's annual performance evaluation dependent upon significance.
- D. Formal discipline shall be included in the member's annual performance evaluation.
- E. The Chief of Police has the authority to render a final disposition(s) and remedy for all personnel complaints.
- F. Informal discipline utilized by the SPD includes:
 - 1. Verbal Counseling: A supervisor and/or superior officer may coach, train, and mentor a member (of a lower rank) to meet the minimum standards and requirements of the SPD or the Town.
 - 2. DEENS notes: A member may only have a DEENS note placed in their DEENS file by a member of a higher rank.
 - 3. DCM: Authority to issue a DCM can only be approved by a rank higher than a front line supervisor.
 - 4. PIP: Authority to issue a PIP can only be approved by the Chief of Police.
- G. Formal discipline utilized by the SPD includes:
 - 1. Written Reprimand: May be imposed at the direction and with approval of the Chief of Police.
 - 2. Suspension: May be imposed at the direction and with approval of the Chief of Police in coordination with HR
 - (a) Efforts should be made to coordinate the suspension with any scheduled court dates, so not affect the member's ability to attend court.

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- (b) Suspensions should not coincide with the member's regularly scheduled days off, giving the member a longer weekend.
- 3. Demotion: May be imposed at the direction and with approval of the Chief of Police and in coordination with HR
- 4. Termination: May be imposed at the direction and with approval of the Chief of Police and in coordination with HR

1010.25 CRIMINAL INVESTIGATION

- A. The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency if deemed appropriate.
- B. A member accused of criminal conduct shall be provided with all rights afforded to a civilian (citizen/member of the public).
- C. Where a member is accused of potential criminal conduct, a separate investigator shall be assigned to investigate the criminal allegations apart from any AI. A separate AI may parallel a criminal investigation.
- D. The member shall not be administratively ordered to provide any information in the criminal investigation.
- E. The SPD may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

1010.26 RETENTION OF INVESTIGATIVE FILES

- A. The SPD Permanent Personnel Record (PPR) to include all personnel complaints and/or AIs shall be maintained as a record of a person's employment or membership with the SPD for a minimum period of 10 years after the member has separated from employment or membership with the SPD.
- B. The SPD utilizes the BlueTeam/IA Pro system to store personnel complaints and AIs. Access rights to BlueTeam/IA Pro are restricted to those approved by the Chief of Police.
- C. Personnel complaints and AIs are maintained solely by the SPD.
- D. The Town of Sahuarita HR Department receives a copy of the final disciplinary action form resulting in a written reprimand or higher level of discipline.

1010.27 NOTIFICATION TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

- A. The SPD may report to the Arizona Peace Officer Standards and Training Board (AZPOST) any disciplinary action involving a certified officer that may result in the suspension or revocation of his/her certified status (ARS 41-1828.01(A)). Conduct that results in discipline may be reported for (AAC R13-4-109):

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1. Failure to meet the minimum qualifications for certification.
 2. Providing false information related to certification as a peace officer.
 3. A medical, physical, or mental disability that substantially limits the person's ability to effectively perform the duties of a peace officer.
 4. Violation of a restriction or requirement for certified status.
 5. The illegal use of controlled substances.
 6. Unauthorized use of, or being under the influence of, alcohol on-duty.
 7. The commission of any offense that would be a felony if committed in Arizona or any offense involving dishonesty, unlawful sexual conduct, or physical violence.
 8. Refusal, failure, or delay in performing the duties of a peace officer.
 9. A conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust (i.e., extreme conduct unbecoming, veracity, etc.).
- B. The SPD shall inform AZPOST of the termination, resignation or separation of any certified officer for misconduct pursuant to AAC R13-4-108 and ARS 41-1828.01(A). A report shall be submitted within 15 days of termination and include:
1. The effective date and nature of the termination.
 2. A detailed description of any termination for cause.
 3. A detailed description of the cause for any possible suspension or revocation of certified status, including supporting documentation for the decision.

1010.28 POLICY ISSUANCE OR REVIEW

03/19/2024 - Reviewed by Chief John Noland - SP002