



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 300-4
SUBJECT: Internal Affairs		
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ISSUED BY: <i>Nicholas J. Arnold</i> Nicholas J. Arnold, Public Safety Director		REPLACES: MICHIGAN STANDARDS: 1.3.1 CALEA STANDARDS: 26.2.1, 26.2.2, 26.2.4, 26.3.2, 26.3.3, 26.3.5

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I. PURPOSE

The purpose of this order is to establish the policy and procedure used by the Portage Department of Public Safety to receive, define, document, investigate, and

make dispositions of allegations against the department and employees, along with the review of department policies. The purpose of this policy is to inform citizens and all employees of departmental procedures for addressing complaints of alleged misconduct and standardize the review of policy as well as property losses.

II. POLICY

It is the policy of the Portage Department of Public Safety to continuously strive to improve quality of police services provided to citizens of Portage.

It is the policy of the department to support employees falsely accused of wrongdoing and to defend legitimate directives issued to department personnel. In as much as the department will legally defend and indemnify employees in connection with lawsuits and liability claims arising out of proper performance of their police duties, it is imperative that thorough, complete investigations be immediately conducted regarding all civil rights complaints, complaints that allege employee criminality or misconduct, and civil lawsuits.

The Portage Department of Public Safety will accept and investigate all complaints about the conduct of its employees from any individual or employee. This includes complaints made anonymously. Anonymous complaints, although difficult to investigate, will not be disregarded and will be investigated to the extent the information provided allows. Following a thorough and impartial examination of the available factual information, a disposition will be determined. While the focus on this order is not on discipline, where employee misconduct is determined to have occurred, counseling, training, or discipline consistent with the circumstances will be administered.

It is also the policy of the Portage Department of Public Safety to accept and review all complaints about its directives. Where it is determined that modifications should be made, such action will be taken.

III. PHILOSOPHY

Through a meaningful and effective procedure of handling complaints, we believe citizen confidence in the integrity of the department and its employees will be achieved and maintained. A positive relationship between police and citizens they serve facilitates good police/citizen cooperation, which is vital to the department's ability to achieve its goals.

It should be understood that the department expects the highest degree of integrity from its members and, accordingly, presumes that all employees' actions are performed in good faith and within the law and rules and regulations. Unless evidence is discovered to the contrary, that presumption will remain throughout any personnel complaint investigation.

It is recognized that the department, employees, and citizens can learn and benefit from a review of any incident or agency directive through this process; however, the rights of employees must be preserved to insure an environment conducive to exercising professional police responsibilities. Notwithstanding, the department will conduct objective and impartial investigations of all allegations and complaints in order to insure public confidence.

IV. DEFINITIONS

- A. Appropriate Supervisor – the supervisor or Senior Deputy Chief directly in charge of the employee or directive being complained about. If that person is not on duty, an on-duty team leader will act for them.
- B. Complaint – an allegation of improper/inappropriate conduct by an employee or inappropriateness of a department directive. For purposes of receiving and completing an Administrative Review form, the standard used to determine if a complaint exists is that, if an investigation was conducted and the allegations were found to be true and the findings of the investigation would likely result in action to be taken against the employee, such as counseling, training, discipline, or re-write of a directive, then a complaint will be taken. However, nothing in this order is intended to prevent complaints from being resolved at the initial supervisory level.

Complaint conclusions are:

1. Commended - Employee's actions are worthy of a commendation.
2. Not Sustained - The alleged act could not be clearly proved or disproved.
3. Sustained - The allegation is sustained. The behavior does not conform to prevailing standards.
4. Improved Performance Necessary - The alleged act occurred but does not constitute improper conduct. Improved performance can be accomplished by counseling or training.
5. Proper Conduct - The alleged act occurred, but was justified, legal and proper.
6. Other Policy Infractions - The allegation is not sustained; however, other policy infraction(s) were identified.
7. Unfounded - The alleged act did not occur.
8. Policy Failure - Flaw in policy may have been a causative factor.

- C. Civil Rights Complaint – any investigation involving a department employee initiated by the Michigan Civil Rights Commission or U.S. Justice Department.
- D. Civil Lawsuit – any civil lawsuit brought against the department or department employee.
- E. Department Directive – any oral or written statement used to guide or affect the performance or conduct of police employees.
- F. Internal Affairs Investigation - an investigation concerning employee conduct that alleges corruption, brutality, misuse of force, gross breach of civil rights and/or criminal misconduct supported by reasonable suspicion or facts which could result in a permanent letter of reprimand, suspension, demotion, or dismissal from the department.

Any personnel complaint that may result in formal discipline, civil rights complaint, or civil lawsuit, dependent on the facts and circumstances, may be designated as an internal affairs investigation.

Internal Affairs is the responsibility of the office of the Public Safety Director (Internal Investigations Authority). The Public Safety Director is responsible for the direction and control of the investigation of citizen complaints and the department's internal affairs function.

If assigned an internal affairs investigation, the command officer will have the authority to report directly to the Public Safety Director, or designee.

- G. Investigating Supervisor – the supervisor assigned to complete the investigation of a personnel or internal affairs complaint.
- H. Misconduct – violation of a law, ordinance, or department directive by a department employee.
- I. Personnel Complaint – a complaint about an employee's performance.
- J. Policy Review – the review of department policies, operating procedures, rules, or tactics.

V. RECEIPT OF COMPLAINTS - GENERAL

- A. Any employee learning that a citizen wishes to make a complaint, written or oral, signed or anonymous, about an employee or a department directive, will refer the complainant to the appropriate supervisor. All citizen complaints will be documented and investigated. In those cases where the complainant cannot be immediately referred to the supervisor, the employee who received the complaint will notify their supervisor as soon as

possible. The appropriate supervisor will complete a Portage Department of Public Safety Administrative Review Form (see Appendix A).

- B. The supervisor taking the complaint should listen carefully to the complainant. In some cases, what may initially appear to be a complaint may only be a lack of understanding of what occurred. By listening politely and giving a responsive explanation of the activity in question, the concerns of the citizen or employee may be resolved.
- C. Where reasonable, the complaint will be taken by the person who will most logically be assigned to its investigation.
- D. In cases where the complaining citizen is highly intoxicated or is so agitated as to be unreasonably obscene, loud, or argumentative, the investigating supervisor will not be required to proceed at the time with the complaint investigation. The citizen will be assured by the supervisor that their complaint will be taken after they conduct themselves in a manner conducive to taking or investigating the complaint.
- E. In accordance with department rules and regulations, a supervisor may relieve an employee from duty in severe cases. Examples of situations where such action may be deemed appropriate would be the arrest of an employee for a serious criminal offense or a determination by the supervisor that the employee is unfit for duty where such action is necessary. The decision rests with the supervisor in charge at the time of the incident, based on the circumstances.

VI. PROCESSING COMPLAINTS

- A. Violations of the rules and regulations or the Portage Department of Public Safety Policy and Procedure Code that are observed by the supervisor who has direct supervisory control over the employee committing the violation will be handled as follows:
 - 1. If the supervisor believes that the appropriate corrective action will be less than a written verbal notice:
 - a. Do not complete a Portage Department of Public Safety Administrative Review form.
 - b. Immediately (as practical), take the appropriate corrective action (consistent with City Administrative Policy and Portage Department of Public Safety Policy).
 - c. The incident will be documented in Guardian Tracking.

2. If the supervisor believes that the appropriate corrective action will be a written verbal notice or more severe:
 - a. Document the observation on a Portage Department of Public Safety Administrative Review Form.
 - b. Forward Administrative Review Form to the Senior Deputy Chief in charge of the division through chain of command.
 - c. If in doubt about potential disciplinary level, discuss with supervisor prior to taking any action.
 - d. The incident will be documented on the employee's key incident journal.

B. Other Internal Complaints

The following are procedures for receipt of complaints from employees of the department which indicate another employee violated a law, ordinance or department directive, along with the review of department policies.

Consistent with the philosophy of maintaining a professional law enforcement organization, it is the duty of any employee becoming aware of misconduct on the part of another employee to report the misconduct to their supervisor.

1. Complaints by employees about other department employees will be handled by the complaining employee making contact with their own supervisor. If the complaint is about one's immediate supervisor, the next appropriate supervisor in the chain of command will be contacted.
2. The supervisor who receives information internally about an employee who has violated a rule or regulation or Portage Department of Public Safety policy and procedure, or the supervisor observes same, will:
 - a. If the supervisor believes the appropriate corrective action is below the disciplinary level of a written verbal warning, he/she will verbally communicate the complaint/observation to the appropriate supervisor.
 - b. The supervisor receiving a complaint in this fashion will take the appropriate corrective action.
 - c. If the supervisor receiving the complaint or observing the behavior of another employee believes the appropriate

corrective action would be a written warning or more severe, the complaint will be documented on a Portage Department of Public Safety Administrative Review Form.

- d. The form will be sent to the division Senior Deputy Chief.
- e. The incident will be documented in Guardian Tracking.

C. External Complaints

All complaints received from an external source will be investigated.

- 1. At the conclusion of the preliminary investigation, if the supervisor believes the corrective action would be a written verbal or less, take the appropriate corrective action and make an entry into Guardian Tracking.
- 2. At the conclusion of the preliminary investigation, if the supervisor believes the correction action would be a written verbal warning or more severe, complete the Administrative Review form and submit through the chain of command.

VII. POLICY REVIEWS

- A. Review of use of force incidents will be conducted pursuant to Policy and Procedural order No. 200-4.
- B. Review of vehicle pursuits will be conducted pursuant to Policy and Procedural order No. 200-8.
- C. Review of foot pursuits will be conducted pursuant to Policy and Procedural order No. 200-82.
- D. In all cases where City of Portage property is damaged, lost or stolen, the incident will be reported to the immediate supervisor, who will initiate a department Administrative Review form and a City of Portage Report of Incident form.

VIII. PUBLIC SAFETY DIRECTOR NOTIFICATION

- A. The following allegations/complaints will be immediately reported to the Public Safety Director, or designee, by the person receiving said complaint.
 - 1. Alleged misconduct that resulted in the death or personal injury to another person.
 - 2. Allegation that a department member has committed a felony.

3. Allegation that a department member has been the assailant in a domestic assault.
 4. A personal protection order has been filed against a member of the department.
 5. The arrest of any member of the department.
- B. The person receiving complaints or allegations as described above will contact the Public Safety Director, or designee, in person or by telephone as soon as is practical.

IX. COMPLAINT/POLICY REVIEW NUMBER SYSTEM

For accounting and follow-up purposes, each Administrative Review form created in accordance with this order will be assigned a unique number.

- A. Personnel complaint numbers will be prefaced by the letters PC and the last two digits of the current calendar year. They will be numbered consecutively, beginning with each personnel complaint received on and after January 1 of each, such as PC 95-001.
- B. Internal affairs complaint numbers will be prefaced by the letters IA and the last two digits of the current calendar year. They will be numbered consecutively, beginning with each internal affairs complaint received on and after January 1 of each year, such as IA 95-001.
- C. Policy review complaint numbers will be prefaced by the letters PR and the last two digits of the current calendar year. They will be numbered consecutively, beginning with each policy review complaint received on and after January 1 of each year, such as PR 95-001.
- D. Lawsuit complaint numbers will be prefaced by the letters LS and the last two digits of the current calendar year. They will be numbered consecutively, beginning with each lawsuit complaint received on and after January 1 of each year, such as LS 95-001.
- E. Property loss/damage investigations will be prefaced by the letters PLD and the last two digits of the current calendar year. They will be numbered consecutively, beginning with each property loss/damage occurring on and after January 1 of each year, such as PLD 95-001.
- F. Once issued, a personnel or internal affairs complaint number will not be voided or used over again for a different complaint. If a complaint number is issued, it will receive one of the authorized dispositions.

- G. The administrative assistant to the Public Safety Director will initiate an Administrative Review form for each lawsuit or civil rights complaint received, designating it as "Civil Rights" or "Civil Lawsuit," if one has not already been completed, and forward it in accordance with this order. The complaint will list all department personnel named in the lawsuit or civil rights complaint.

X. ASSIGNMENT TO INVESTIGATE THE COMPLAINT

- A. Upon receipt of the complaint, the Public Safety Director will review the complaint and, in most routine situations, assign the complaint to a command officer for supervisory investigation. Normally, a supervisor will be assigned to investigate complaints about employees assigned to them or complaints about directives relating primarily to their unit or section.
 - 1. Allegations of minor rule violations, job performance issues, rudeness, and tardiness will be assigned for supervisory inquiry.
 - 2. Allegations involving serious rule violations, such as insubordination, corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct, will be handled by assignment through the Internal Affairs Authority.
- B. The department does not have anyone assigned full-time to internal affairs investigations. Based on the circumstances of individual complaints, or where deemed necessary, an internal affairs investigation may be assigned to any supervisor.
- C. If a criminal investigation is to be conducted, as well as an internal affairs investigation, different supervisors will be assigned to each investigation.
- D. As with any investigation, timeliness is a critical factor. This is especially true for personnel complaints. For the benefit of the employee involved, the complainant and the department, investigation of complaints is to be considered a priority item by assigned supervisors. An assignment log will be maintained to track the date of assignments and actions taken by each employee assigned to the investigation. This log will be maintained by the office of the Public Safety Director with the original complaint.

XI. SUPERVISORY INQUIRIES

- A. The primary responsibility for maintaining and reinforcing employee conformance with the standards of conduct of this department will be with the employee and the first line supervisors.
- B. Supervisors will familiarize themselves with the employees in their unit and closely observe their general conduct and appearance on a daily basis.

- C. Supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. Such information should be documented by the supervisor and maintained in an employee's team file.
- D. Where a supervisor perceives that an employee may be having or causing problems, the supervisor should assess the situation and determine the most appropriate action.
- E. A supervisor may recommend additional training to refresh and reinforce an employee's skills.
- F. Counseling may be used by the supervisor as follows:
 - 1. To determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance.
 - 2. To discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules with the employee.
- G. The supervisor will document all instances of counseling or additional training used to modify an employee's behavior in Guardian Tracking.
- H. The supervisor completing the Administrative Review form will indicate their recommendation as to follow-up in the appropriate space designated "Recommendation of Supervisor."
- I. A supervisor may relieve an employee from duty in accordance with Section V, Subsection E of this order.

XII. REQUIREMENTS

- A. Supervisors are responsible to know and follow the provisions of any affected labor agreement, city personnel rules, or administrative orders, as appropriate.
- B. If a citizen requests, or demands, to make a criminal complaint against an employee where the incident occurred in the performance of their duties, the supervisor will make a personnel complaint of the alleged misconduct and evaluate the facts of the complaint to determine if the elements of a crime are present. The supervisor will make the determination as to whether or not to make a report of a crime.
- C. Investigations will be initiated in a timely manner and in accordance with the provisions of any affected labor agreement, city personnel rule, or administrative order.

- D. Investigations of complaints against command personnel and non-union personnel will be conducted within 30 days from the date the employee is notified in writing of the complaint and allegations. And, the employee will be notified in writing of the investigative findings and disposition within three working days at the conclusion of the investigation.
- E. Investigations of complaints against members of the Portage Police Officers Association (P.P.O.A.) will be normally completed within 70 working days of the date of the complaint. And, the employee will be notified within seven days of the completion of the investigation in accordance with the provisions of the agreement between the City of Portage and the P.P.O.A.
- F. If it appears that it will be necessary to extend an investigation, a memo will be directed to the Public Safety Director, who will address the need to extend the investigation with the appropriate representative.

XIII. EMPLOYEE'S DUTIES AND RIGHTS DURING INVESTIGATIONS

If there is to be both an internal affairs investigation of a complaint and a criminal investigation, several important items must be remembered and adhered to.

- A. It is important to make a decision initially as to whether the criminal investigation will be pursued first, or whether the internal investigation will be pursued first, or whether they will be pursued concurrently.
- B. In any internal investigation of a complaint about an employee's conduct, the employee must answer questions narrowly and specifically related to the issue being investigated, in writing or verbally, as directed by the investigating supervisor.
- C. Scope of Questioning During Interview
 - 1. Prior to an internal interview concerning alleged criminal misconduct, the employee under investigation will be read the Miranda rights. The provisions of Miranda will be adhered to throughout the interview.
 - 2. Prior to an internal interview concerning allegations of administrative violations, the employee will be advised of Garrity using the Internal Investigation Interview – Administrative form (see Appendix B) as follows:
 - a. The employee can be required to answer all questions specifically, narrowly and directly related to the performance of his official duties.

- b. Refusal to comply with an order to answer such questions is a violation of departmental rules, which may subject the employee to further discipline up to and including dismissal.
 - c. Any required self-incriminatory admission made during the interview may only be used in subsequent internal affairs proceedings and will not be used against the employee in subsequent criminal proceedings.
3. If, after being directed to provide the written statement or answer the questions posed, the employee still refuses to follow the directive, the supervisor will immediately relieve the employee from duty pending further review and action.
 4. Where a criminal police report is filed against a police employee and the investigation reveals it was an intentional false report, prosecution will be sought via the Kalamazoo County Prosecuting Attorney's Office.

D. Counsel at Interview

1. Employees will be permitted to have a union representative, supervisor, or other personal representative with them in the room during any interview concerning allegations of misconduct by the employee. The employee's representative will not interfere or impede an investigation but will be allowed to ask questions or make statements at the conclusion of the interview.
2. When an interview focuses on, or leads to, evidence of potential criminal activity by the employee, an employee's legal representative may confer with the employee.

E. Rights During an Internal Investigation

1. Prior to an interview or special examination, the employee under investigation will receive confidential written notification of the complaint. This notification will be provided using the Notice of Internal Investigation form (see Appendix C) adequately listing the relevant facts and the employee's rights and responsibilities during the investigation.
2. Unless mutually agreed by the employee and investigator, all interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.

3. The interview will be held at the Department of Public Safety-Police building or at a location agreeable to both parties.
4. Employees under investigation will not be subjected to abusive, insulting, or offensive language, nor threatened with transfer, dismissal or disciplinary action during an interview. No promise or reward will be made by the internal investigators as an inducement to answer any questions.
5. The complete interview will be recorded whenever disciplinary action may result. Any interruptions will be noted and any relevant discussions transpiring during breaks will be summarized on the tape recorder and verified for accuracy. The transcript and tape will be held in the internal affairs file.
6. Accused employees or their supervisor may contact the Internal Investigations Authority to ascertain the status of the investigation of a complaint filed against them.
7. The accused employee(s) will be given an opportunity to explain their actions to the Public Safety Director prior to the imposition of any disciplinary action that results in a loss of property rights, i.e. suspension, demotion, or termination. (See Policy and Procedural Order No. 200-31, Section III, B.)

XIV. ADDITIONAL INTERNAL INVESTIGATION PROCEDURES

A. Use of Medical and Laboratory Examinations

1. Medical or laboratory examinations may be required when the examination is specifically directed and narrowly related to a particular internal affairs investigation, such as criminal sexual conduct, illicit drug usage, etc. Any examination requested by the department will be at the expense of the Portage Department of Public Safety and consistent with laws governing evidence search and seizure.
2. Medical and psychological examinations will be done in connection with the concept of "guidelines for fitness for duty."
3. An employee under investigation may request a breath, blood, urine, psychological, polygraph, or medical examination if it is believed that such an examination would be beneficial to his or her defense. Also,

the department may require, with exception of polygraph, such examinations upon the direction of the investigative authority.

4. An on-duty supervisor is required to direct an employee to submit to a breath, blood or urine test when a level of inebriation or drug usage is suspected as the factor directly related to duty performance or operating a department vehicle.

B. Photographs of Employees

1. At the time of hire, all employees will be photographed for record and identification purposes.
2. Photographs will become part of the employee's photo file and maintained by the secretary to the Public Safety Director. The photographs will be updated as needed.
3. Citizens may view photographs of employees when such identification is necessary to proceed with the investigation.

C. Line-ups - The department does not utilize line-ups during internal affairs investigations.

D. Financial Disclosure - The department does not utilize financial disclosure statements during internal affairs investigations unless a corresponding criminal investigation contains the information therein.

E. Use of Polygraph in criminal investigations - When employees are accused of misconduct, any decision to submit to a polygraph will be an individual voluntary decision, predicated on the advice of counsel and the bargaining unit.

F. Property - Property belonging to the law enforcement agency is subject to inspection where the employer has a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files, storage lockers and voice mail.

XV. INTERNAL AFFAIRS INVESTIGATIVE REPORT AND CASE FILE

A. The finalized investigative report and case file completed by the investigator will, when applicable, conform to the following format.

1. **Investigative Report Section** - A concise and complete synopsis of allegations and related facts containing a chronological summary of the investigation.

2. Statement Section - Transcribed statements and audio/visual recordings and memos from all parties concerned.
 3. Report Section - Related event or offense reports from this or other agencies and prior reports or contacts with the reporting parties.
 4. Correspondence Section - Letters and memos relative to the investigation.
- B. The assigned investigator if the direct supervisor, may make a recommendation as to the disposition and corrective action, if appropriate.

XVI. COMPLAINT DISPOSITION

A. Staff Review

Following completion of the investigation, the completed case file will be forwarded to the office of the Public Safety Director. The Director may proceed with reaching a conclusion or solicit input from the employee's direct supervisor. Input may also be sought from the Director of Human Resources, legal staff and/or the City Manager prior to reaching findings regarding the allegations.

1. The Public Safety Director will review the report and supporting documents, and arrive at a conclusion of fact, pursuant to Section IV, Subsection B.
2. If the investigation is founded and the incident warrants corrective action, the Public Safety Director may solicit a recommendation from the employee's direct supervisor and Senior Deputy Chief from the division the employee is assigned to. If the conclusion warrants discipline, the Public Safety Director will determine the extent. If the conclusion does not warrant formal discipline yet the complaint was sustained or misconduct was noted, other alternatives to improving employee performance are to be considered.
 - a. Further training may be determined to be appropriate for the employee. In such case, the Professional Standards Lieutenant will coordinate a training plan with the employee's supervisor.
 - b. If it is determined counseling or a Verbal Notice is appropriate, the Public Safety Director may coordinate such action.

B. Complainant Notification

1. Upon receipt and assignment of a complaint for investigation, the complaining party will be notified by the Public Safety Director, or designee.
2. Investigative status notifications will be made to the complainant for the following:
 - a. Receipt of the internal investigation by the investigating supervisor.
 - b. Upon conclusion of all investigative interviews.
 - c. When an extension of timelines occurs.
3. Once a complaint has been concluded, the Public Safety Director, or designee, will notify the complaining party in writing of the findings.

C. Discipline

1. When recommended disciplinary action may result in written reprimand, suspension, dismissal or demotion, a formal statement of charges and specifications will be prepared at the direction of the Internal Investigations Authority.
2. The charged employee will receive a formal communication (memo form) that will include:
 - a. The particular rule(s) alleged to have been violated;
 - b. The dates and places where the alleged acts or omissions occurred;
 - c. A statement of the alleged acts or omissions;
 - d. The employee's right to a pre-determination conference/ Loudermill Hearing (200-31, Section III, B); and,
3. The Public Safety Director, or designee, will serve the memo and specifications upon the employee within the departmentally specified time period prior to the hearing date.
 - a. Where possible, service will be made while the employee is on duty.
 - b. Where on-duty service is not feasible, the employee may be served off duty.

D. Employee Appeal

The grievance procedure established by City policy and/or by contractual agreement will be used by employees to appeal sustained complaints.

E. Citizen Appeal

Citizens/complainants who are not satisfied with the findings of the Internal Affairs Authority may appeal to the City Manager's office.

1. The City Manager's office will be provided a copy of the completed investigation.
2. The City Manager's office/designee will review the investigative file, gather additional information, if appropriate, and reach a conclusion within ten business days.
3. The City Manager's office/designee will notify the appellant in writing of their findings.

F. Final Recommendation for Discipline

1. The Public Safety Director will make a final recommendation to the Director of Human Resources pursuant to Administrative Order as to the imposition of any disciplinary measures.
2. Upon determination of the Public Safety Director or the pertinent appointed authority that dismissal or other disciplinary action of the employee is merited, the Public Safety Director, or designee, will prepare and submit a statement to the employee, including the following:
 - a. The reason for the disciplinary action;
 - b. The effective date of dismissal or other disciplinary action;
 - c. The status of fringe and retirement benefits after dismissal, where appropriate;
 - d. A statement detailing the contents of the employee's employment record as pertains to the disciplinary action;
 - e. The appropriate procedures for appeal of the disciplinary action.

XVII. FILING AND RETENTION OF REPORTS

Personnel complaints, lawsuits, policy reviews, and internal affairs complaints and their investigations will be maintained in a confidential file in the office of the Public Safety Director. The confidential file will be separate from the employee personnel files. A copy of written notice of discipline will be filed in the employee's personnel file. No record of a complaint, unless sustained, will appear in the personnel file of an employee. Access to the file with completed personnel and internal affairs investigations is limited to the Public Safety Director, Senior Deputy Chiefs, and the Administrative Assistant to the Public Safety Director, unless otherwise authorized by the Public Safety Director. File cabinets containing personnel and internal affairs complaints as well as the file cabinets containing personnel files will be kept locked during other than normal business hours.

XVIII. YEARLY ANALYSIS

During the first quarter of each calendar year, the Public Safety Director and/or the executive management staff of the Department of Public Safety – Police Division will conduct an analysis of all citizen complaints, internal affairs investigations, policy reviews, lawsuits, lost property/damage reports, and prepare a report.

The report will be sent to the following:

- A. The City Manager's office.
- B. The Department of Public Safety – Police Division supervisors.
 - 1. The Senior Deputy Police/Fire Chief - Administration and the Professional Standards Lieutenant will review the report and make recommendations for training, if appropriate.
 - 2. Any supervisor may make recommendations for policy changes or other needed changes based upon review of the yearly report.

XIX. COMPLAINT PROCESS BROCHURE

The Department of Public Safety – Police Division will develop a brochure detailing the citizen complaint process and post copies at the Headquarters front desk and at City Hall.



Portage Department of Public Safety
Administrative Review

Administrative Use
Classification Assigned Number

Reference Number
Incident/Case No.
Citation No.

PC - Personnel Complaint IA - Internal Affairs PR - Policy Review LS - Lawsuit PLD - Property Loss/Damage

Person Initiating/Reporting: [] Anonymous Reporting Method:
Address:
City, State, Zip:
Telephone: Cell Phone: E-Mail:
Incident to Review:
Supervisor Receiving/Initiating Report: Related Policy/Procedure:

Date of Incident: Time of Incident: Location of Incident:
*Employee(s) involved: / / [] Unknown

*NOTE: Above listed employee(s) should be only those employees actually involved in the incident. Officers present but not involved should be listed in the details.

[] Vehicle Pursuit [] Foot Pursuit [] Use of Force [] PR [] PLD [] LS [] IA

Brief Description of Event

[Empty box for description of event]

Post Incident Supervisor Summary Assessment

[] MVR Viewed & Preserved [] Oth. Video Viewed/Preserved Review/Approve Report(s)
[] On-Scene/Made Scene [] Photographs Taken/Scene Documented [] Primary Officer Report [] Injury Report(s)
[] Spoke with Officer(s) Involved [] Observed Subject/Suspect [] Oth. Officer(s) Report(s) [] Crash Report(s)
[] Listened to Communications/Radio [] Complaint Filed? [] Pursuit [] Property Damage Report(s)
[] Witness Statement (Written/Verbal) [] Use of Force [] Full Panel Review Recommended/Requested

Notifications: [] Ops. Lieutenant [] Ops. Deputy Chief [] Director or On-Call Admin. Date/Time Notified

Recommendation of Supervisor receiving/initiating this report:

Lieutenant/Supervisor: Initial Date Deputy Chief: Initial Date Directors Office for Assigned Number

[] Immediate Notification of Director if: Date/Time Notified:

EMPLOYEE RIGHTS AND RESPONSIBILITIES RELATIVE TO THIS INVESTIGATION

- 1. Employees have all rights granted to them by any labor agreement they fall under, or the personnel rules, as applicable.
2. Employees have all rights granted to them under existing laws.
3. When an employee is talked to by a supervisor about a complaint that has been received, the employee will first be advised of the complaint.
4. When an employee's labor agreement provides differently, an employee must answer questions narrowly and specifically related to the investigation as directed.



Portage Department of Public Safety
Administrative Review

Administrative Use
[] []

Reference Number
Incident/
Case No. []
Citation No. []

PC - Personnel Complaint IA - Internal Affairs PR - Policy Review LS - Lawsuit PLD - Property Loss/Damage

PUBLIC SAFETY DIRECTOR REVIEW

Assigned for further investigation: _____ to: _____ Date of assignment: _____
Initials

Upon review, no further action is required. _____ Date: _____
Signature of Director

Disposition: Closed In Compliance
 Out of Compliance Further Action Initiated

Comments: _____

THIS SPACE INTENTIONALLY LEFT BLANK

Date of Review by Professional Standards: _____ Initial _____

INTERNAL INVESTIGATION INTERVIEW – ADMINISTRATIVE

At this time, I am going to question you concerning _____

This questioning concerns administrative matters relating to the official business of the Portage Department of Public Safety. During the course of this questioning, if you disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating information you may disclose will be used against you in a court of law. You are required to answer my questions fully and truthfully. This requirement is set forth in our Portage Police Policy and Procedure Code. Section VII, subsection A, of Order 100-1 requires all employees to be truthful in all reports and statements, and Section V, subsection K, requires all employees to obey lawful orders given by a superior officer. Violations of these sections and/or a refusal to answer all questions may result in separate disciplinary action up to and including dismissal from the Portage Department of Public Safety.

Do you understand what I have just explained to you?

Do you have any questions concerning what I have just explained to you?

I, _____, by my signature below, affirm that I have been advised of the “Garrity warning” and have had its meaning explained to me.

Employee’s Signature _____ Date _____

Investigator _____

CITY OF PORTAGE

COMMUNICATION

NOTICE OF INTERNAL INVESTIGATION

DATE:

TO:

FROM:

This letter is to inform you that a complaint has been received from (complainant) regarding (behavior / actions and/or work performance) on (date). Subsequently, an internal investigation has been initiated. If substantiated, violations may result in discipline up to and inclusive of termination.

According to Portage Department of Public Safety Policy and Procedures, you may have violated (Policy and Procedural Order cited).

During this investigation, you are directed not to discuss this matter with any Police Department or City of Portage employees; however, you may discuss this with your police union representative. If a violation of this directive occurs, it will be considered insubordination, as defined by Department Policy and Procedural Order 100-1, and could result in separate disciplinary action. Employee's duties and rights during an investigation are outlined in the applicable labor agreement and/or Department Policy and Procedural Order 300-4.

The undersigned hereby acknowledges receipt of the above information and directive:

Signature: _____ Date: _____ Time: _____

Witnesses: _____

c: Employee
Original to Investigation File