

DISCIPLINARY PROCEDURES AND INTERNAL AFFAIRS	Chapter No. 26
Effective Date: 04/01/2018	Reference: Civil Service Rules & Regulations Domestic Violence Procedure Manual AO 800 – Microcomputer & Software Policies AO 260 – Harassment & Discriminatory Behavior

26.1.1 CODE OF CONDUCT

A. General Conduct

1. Unbecoming Conduct: Employees of the Police Department shall conduct themselves at all times, both on and off duty, in a manner that does not reflect negatively on the Department. Employee conduct, which brings discredit on the Department, may subject the employee to discipline. Examples may include but not limited to:
 - Impede the ability of the department to effectively fulfill its responsibility.
 - Cause a lessening of public confidence in the ability of the department to perform its function.
 - Cause an adverse effect on the discipline or efficiency of the department.
 - Impair their own ability to do their job.
 - Constitute a conflict of interest as prohibited by law or by department regulations or policy.
 - Compromise any investigation of a criminal or civil nature and/or any internal investigation or personnel issue which is confidential in nature.

Employees shall not engage in activities that involve accessing information in any file system or computer system used by supervisory or command staff involving confidential matters relating to personnel issues, internal investigations or any other matter deemed to be of a sensitive or confidential nature.

2. Immoral Conduct: Members shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers, or causes the Department to be brought into disrepute.

3. Truthfulness: Police department employees are expected to be truthful at all times on matters of the department. Upon the order of the Chief of Police, the Chief's designate, or a superior officer, members of the police department shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties or fitness for office which may be asked of them.
4. Possession or Use of Drugs: Employees of the police department shall not unlawfully possess or use any illegal drugs. On duty employees using any prescription drugs, which could affect or impair their ability to function, will notify their supervisor.
5. Gifts and Gratuities: Members of the police department shall not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan promise, service or entertainment), which may, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties. If circumstances arise where a gift or other item of value comes into the possession of an employee, the item will be forwarded to the Chief of Police. A memorandum explaining the circumstances of receipt will accompany the item.

Permissible actions include the following:

- Employees may accept a meal at the home of a friend or relative.
 - An employee is a guest speaker or is being honored by some organization and receives a meal and an award.
 - A service organization or retail merchant wishes to donate a gift to a Department-sponsored event wherein the gifts are given to children or other needy persons.
 - Employees are permitted to accept a nonalcoholic beverage from an associate, friend or acquaintance other than at a business establishment (restaurant, convenience store, bar), where there is normally a charge for the beverage.
 - Employees may accept unsolicited advertising or giveaway material such as pens, pads, calendars, diaries, coffee cups or similar items of little or nominal value.
 - Off duty officers of the Pasco Police Officers' Association (PPOA) may solicit donations or sponsorships to the PPOA in accordance with the laws regulating non-profit organizations.
6. Neglect of Duty: Members of the police department shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of this City of Pasco, these Rules of Conduct or any other orders, policies, procedures or directives of the police department.

Members shall not engage in any activity or personal business which could cause them to neglect or be inattentive to duty.

7. **Public Statements and Appearances:** Members of the Police Department shall not publicly criticize or ridicule the Department, its policies, or other members where such speech, writing or other expression is defamatory, obscene or is made with reckless disregard for truth or falsity and undermines the effectiveness of the Department or interferes with the maintenance of discipline.

Members of the Police Department shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information or any other matters of the Department while presenting themselves as representing the Department in such matters without proper authority. Members may lecture on police or other related subjects, only with prior approval of the Chief.

8. **Gossip or Derogatory Remarks:** No members or employees of the department shall directly or indirectly speak critically or derogatory to, or about, other members and employees of the department or to any person outside of the department regarding any official action or the orders or instructions issued by a ranking or superior officer. Neither shall the action or orders of any city official, judge, magistrate or other official agency be publicly criticized.
9. **Associations:** Members of the police department shall avoid regular or continuous associations or dealings with persons and or organizations whom they know or should reasonably know are persons under criminal investigation or indictment or who have a reputation in the community or the department for present involvement in felonious or criminal behavior except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the members.
10. **Insubordination:** Employees are required to promptly obey lawful orders of a supervisor. This includes those orders relayed from a supervisor through an employee of the same or lesser rank.
11. **Training Responsibility:** Members of the department shall make themselves available for all required department training, both internal and external, including required attendance, attention and conduct. Members failing to successfully complete training requirements based on their failure to comply with this rule may face disciplinary action. Members with legitimate reasons for non-attendance or partial absence shall immediately notify their supervisor.
12. **Release of Phone Numbers:** Employees of the police department will only release employee phone numbers to other members of the department. If a source outside the department requests an employee phone number, the identity of the caller will be relayed to the employee being sought.
13. **Confidentiality:** No member of the police department shall disseminate confidential police related information to any unauthorized person for any

purpose.

14. Visiting Prohibited Establishments: Members of the police department shall not knowingly visit or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the State or local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.
15. Gambling: Members of the police department shall not engage or participate in any form of illegal gambling at any time except in the performance of duty and while acting under proper and specific orders from a superior officer.
16. Department Credentials: Official credentials (official identification card and badge) will be displayed only in connection with police business or when requested to establish identity. No employee will permit any other person to use his or her credentials. Loss of credentials will immediately be reported to the Chief of Police via the chain of command.

B. On-Duty Conduct

1. Reporting for Duty: Employees will report for duty at the time and place indicated by the department schedule. When employees report for duty they shall be appropriately attired, properly equipped and ready to assume job responsibilities.

Any employee who fails to appear for duty at the date, time and place as scheduled will be deemed to be absent without authorization.

Where inappropriate attire and/or personal appearance outside of department standards are noted, first line supervisors may direct the employee to change into appropriate attire and/or bring their personal appearance up to standards. Time required for such corrections will be without pay.

2. Duty Responsibilities: Employees will protect and preserve life and property, maintain community order and enhance the peace and safety of the community.

All employees will perform their duties as required by law, department policy or by order of a supervisor. On duty employees will respond to the concerns of citizens as promptly as possible based on the prioritization of services and available staffing.

A high level of performance is expected from each employee. Minimum acceptable performance is defined as that standard of performance that is at reasonable and acceptable levels, as judged from other employees performing like or similar duties. Performance is evaluated using the performance evaluation system outlined in Chapter 35.

3. Use of Alcohol: No off-duty employee shall consume alcoholic beverages to an extent rendering them unfit to report for their assigned duty shift. No employee

will report for a regular duty shift, or off-duty job, with alcohol on his or her breath.

Employees of the police department shall not appear for duty, or be on duty, while under the influence of alcohol. Employees who have consumed alcohol, and are called to duty, must notify their supervisor of the alcohol consumption. The supervisor will evaluate the situation and decide whether the employee should respond to duty.

No employee in recognizable uniform dress shall purchase or drink alcoholic beverages in public view.

4. Court Appearances:

Conduct – Employees of the department are expected to conduct their selves in an exemplary manner when in court. Department employees are expected to abide by any of the requests, instructions or rules set by the judge, court administrator or bailiff.

Attendance – Employees shall attend court on the date and at the time set for any pending case in which they have been subpoenaed. If an employee finds that he/she cannot make a scheduled court appearance due to illness or an unforeseen emergency, it shall be the employee's responsibility to notify the City Attorney/Prosecutor of such so that the pending court case may be continued for re-scheduling.

Punctuality – Employees subpoenaed for court shall be punctual in attendance.

Attire – Employees shall dress in full uniform or, if civilian clothing, shall wear a coat and tie reflecting good taste and businesslike appearance. Exceptions may be made by their supervisor for employees who are on special assignment.

5. Processing Property and Evidence: Property or evidence that has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures. Members of the Police Department shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.
6. Treatment of Persons in Custody: Officers will not mistreat persons in their custody.
7. Assistance: Employees will provide necessary assistance to co-workers. Employees will take appropriate actions toward aiding a fellow employee exposed to danger or in handling situations in which danger is likely.
8. Intervention: Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

- A. Ordered to intervene by a superior officer, or;
- B. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Officers shall not undertake any investigation, or other official action, not part of their regular duties without obtaining permission from their superior officer, unless the urgency of the situation requires immediate police action.

9. Conduct toward Fellow Employees: Employees, while on duty, will treat all personnel with respect and courtesy. On duty employees will refer to supervisory personnel by rank when in the presence of the public.
10. Departmental Reports: Members of the police department shall submit all necessary reports on time and in accordance with established department procedures. Reports submitted by members shall be truthful and complete and no member shall knowingly enter or cause to be entered any inaccurate, false, improper information, or alter, remove, or destroy any report for the purpose of obstructing justice, misleading superior officers or altering the natural order of information.
11. Fictitious Illness or Injury Reports: Members of the police department shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.
12. Sleeping on Duty: Members of the police department shall remain awake while on duty. If unable to do so, they shall so report to their superior officers who shall determine the proper course of action.
13. Leaving Duty Post: Members of the police department shall not leave their assigned duty post during a tour of duty except when authorized by their supervisor.
14. Use of Tobacco: Officers when in uniform may use tobacco as long as they are not in a formation, they do not have to leave their assignment or post for the sole purpose of doing so and they are not engaged in traffic direction or control. Officers are prohibited from using tobacco when they are in direct contact with the public. All City offices and vehicles are smoke-free.
15. Use of Department Equipment: Members of the police department shall utilize department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse, willfully damage or lose department equipment. All department equipment issued to members shall be maintained in proper order.

Members of the police department shall operate official vehicles in a careful and

prudent manner and shall obey all laws and all department orders pertaining to such operation. Loss or suspension of any driving license shall be reported to a superior officer immediately.

16. Computer Software: Only City installed or approved software will be used on department owned computers. Employees shall not install any software without authorization from the Chief of Police and Information Services Manager. Employees will follow AO 800 – Microcomputer and Software Policies.
17. Operating Police Vehicles: Members shall operate official vehicles in a careful and prudent manner and shall obey all traffic laws and all department orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the department immediately.

Members shall not use their personal vehicles for any assignment while on duty.

Members shall not permit persons to ride in department vehicles except in accordance with department procedures.

18. Medical Examinations, Photographs and Line-Ups: Upon the order of the Chief of Police members of the police department shall submit to any medical, ballistics, chemical or other tests, photographs or line-ups. All procedures carried out under this section shall be specifically directed and narrowly related to a particular internal investigation being conducted by the department.
19. Inter-departmental Cooperation: Members shall cooperate with all agencies engaged in the administration of criminal justice and other public agencies and city departments, giving to each other all the aid and information that they are entitled to receive. Members answering a call wherein another city agency or department should be notified shall, through official channels, have the appropriate agency notified of the essential details of the complaint.

26.1.2 PERFORMANCE REWARD SYSTEMS

The Pasco Police Department realizes the value of rewarding and recognizing outstanding service and/or actions of its employees and citizens who distinguish themselves while assisting the Pasco Police Department.

Departmentally issued awards are coordinated through the Awards Committee. The Awards Committee chairman will be assigned by the Chief of Police. The Awards Committee will consist of five representatives: one command officer, one supervisor, one commissioned representative from the field operations and investigative divisions and one non-commissioned employee from the Support Operations Division. The Chief will designate the members of the Awards Committee on an annual basis.

All requests for awards shall be submitted through the chain of command to the Awards Committee for evaluation. To process award nominations in a timely manner, detailed information will be submitted with the nomination. Upon review of the documentation, the Awards Committee will submit recommendations to the Chief of Police for final approval. Nothing in this policy is intended to restrict a supervisor from authoring a letter of

commendation to an employee's file.

Award nominations relating to a specific project, investigation or exceptional job performance should be submitted with the following information:

1. Detail the specific action meriting an award.
2. Impact of the action to the department and/or others.
3. Whether the actions were required by the individual's position.
4. Training the individual received that enabled them to perform the action(s).
5. Whether this type of performance is consistent and, if so, how long has the individual performed at this level.

Life-Saving/Life-Threatening Incident: Award nominations relating to life-saving or life-threatening incidents should be submitted with the following information:

1. Detail what direct action was taken to save or protect a life.
2. Describe in detail any danger that existed in attempting the lifesaving action.
3. Explain any injuries sustained by the person attempting the lifesaving action.
4. Date, time and location of the incident.
5. Names of the parties involved and/or witnesses.
6. Additional documentation, such as witness statements, letters of recommendations, photographs, news articles, etc. should be attached to the nomination.

Award titles include, but are not limited to, Medal of Valor, Meritorious Service, Life Saving Award, Chief's Commendation Award, Exceptional Performance Citation, Commanding Officer's Citation, Unit Citation Award, Officer or Employee of the Quarter and Officer or Employee of the Year. These awards will be presented at formal awards ceremonies or appropriate public meetings. The Awards Committee chair shall make arrangements and notifications for presentations of awards and ensure appropriate documentation is provided to the Personnel Office for inclusion to the employee's personnel file.

A. Medal of Valor

The Medal of Valor is the highest award presented by the department and recognizes an outstanding act of valor. It shall be awarded only in those exceptional cases where employees knowingly perform a hazardous action at considerable risk to their lives or great bodily harm.

Four-fifths of the members of the Award Committee must concur that the award should be presented. The Chief of Police must authorize final approval.

The Medal of Valor shall consist of the following:

1. A framed paper document describing the act and signed by the Chief of Police.
2. A pin appropriately designed to be worn on uniform attire.
3. A medal designed to be displayed or worn on the dress uniform.
4. A letter documenting the facts surrounding the issuing of the award will be entered into the employee's personnel file.

B. Meritorious Service Award

The Meritorious Service Award is presented to a department employee who displays exceptional dedication to duty in pursuit of a worthwhile objective, requires courage and is knowingly done with risk of injury or performance of an act where the employees endanger themselves through:

1. Attempting a life-saving action
2. Preventing a serious crime
3. Effecting the arrest of a dangerous felon

This award is different from the Medal of Valor by the degree to which the employee's life is in danger or by the potential significance of the employee's actions taken.

The Meritorious Service Award may also be awarded to citizens who jeopardize their own safety to assist Pasco Police Department personnel in the performance of a hazardous act.

A majority of the Awards Committee members must concur that the award should be presented and must be approved by the Chief of Police. The award itself shall consist of the following:

1. A framed paper document describing the act and signed by the Chief of Police.
2. A pin appropriately designed to be worn on uniform attire.
3. A medal designed to be displayed or worn on the dress uniform.
4. A letter documenting the facts surrounding the issuing of the award will be entered into the employee's personnel file.

C. Life Saving Award

This award is presented to an employee who saves a life by a direct act under conditions requiring bravery or exposure to danger while performing acts above and beyond the normal call of duty. Recommendations for the Life Saving Award should usually be accompanied by medical or eyewitness testimony. The award requires a majority of the board vote and the approval of the Chief of Police.

The Life Saving Award shall consist of the following:

1. A framed paper document describing the act and signed by the Chief of Police.
2. A pin appropriately designed to be worn on uniform attire.
3. A medal designed to be displayed or worn on the dress uniform.
4. A letter documenting the facts surrounding the issuing of the award will be entered into the employee's personnel file.

D. Chief's Commendation

This award is presented to persons who perform at an exemplary level above what is normally required or expected and which the Chief of Police deems worthy or which may not fall within the requirements of the Medal For Valor, Meritorious Service Award or Life Saving Award. This award does not require review by the awards committee.

The award shall consist of a certificate and a shirt bar.

E. Exceptional Performance Citation

This award is presented to an employee for courageous, outstanding or unusual performance of duty that is significantly beyond that normally expected and may be based on a single act or exemplary work over an extended period of time.

This award shall consist of a certificate only.

F. Commanding Officer's Citation

This award is presented to an employee for performance that is well above average and demonstrates either courage, devotion to duty, alertness or other aptitude for police work which embodies the desire to perform public service. This award may be made by commanding officers without review by the awards committee or the Chief of Police.

This award consists of a certificate only.

G. Unit Citation Award

This award may be conferred for outstanding performance by an organizational unit of the department. The accomplishment must be the result of combined efforts by members of a unit, shift or section.

The Chief of Police may confer the award after his review of the nomination.

This award consists of a certificate and shirt bar.

H. Officer or Employee of the Quarter

The officer or employee of the quarter who is nominated shall represent the values and attitude

prescribed in our values statement; someone who is hard working and dedicated to the profession. The officer or employee's conduct should bring respect and honor to the department. The individual's actions need not be above and beyond the call of duty but consistently performs at a high level and is an example to all. Officers and employees selected as officer or employee of the quarter are automatically eligible for consideration for officer or employee of the year.

I. Officer or Employee of the Year

The officer or employee nominated for officer or employee of the year should have conducted himself/herself in a manner above and beyond the call of duty. This individual is not only a high producer but exemplifies the term "professional." This individual will represent our best qualities and act as someone we hold out to the public as the "best of the best."

Assignment Recognition Ribbons:

1. Authorization to display recognition ribbons may be assumed to have been granted upon approval of a specific duty assignment by the Chief of Police and ends upon the completion of that assignment.
2. Officers who have previously served and provided honorable service in the following duty assignments may display the appropriate assignment ribbons on their dress jacket when wearing the full dress uniform (CLASS "A"):
 - Patrol Training Officer (PTO)
 - Area Resource Officer (ARO)
 - School Resource Officer (SRO)
 - SWAT
 - K-9 Handler

26.1.3 HARASSMENT

The Pasco Police Department seeks to maintain a work environment free of harassment and intimidation. Employees will comply with AO 260 – Harassment & Discriminatory Behavior and department policies. The Department will not condone harassment of or discriminatory behavior toward or about individuals and is committed to providing a discrimination-free workplace. Proven harassment will be subject to discipline.

A. Types

Harassment to include but not limited to:

- Sexual harassment
- Actions that create a hostile environment

- Basis of gender
- Protected Status other than sex, including race, national origin, disability, age or marital status

B. Reporting

An employee who experiences harassment is encouraged to immediately report it to anyone in their chain of command, to include the Chief of Police, the Human Resource Department and/or City Manager. If the supervisor is the person harassing the employee, the employee can report the incident to the next person in the chain of command. If however, the employee feels more comfortable, they are allowed to go outside the chain of command and report the incident to the Personnel Office. The division captain or Personnel Manager will notify the Chief of Police of the complaint as soon as possible.

Retaliation against employees who report any form of harassment is strictly forbidden even if insufficient evidence is found to support the complaint of harassment. The department and all staff will comply with provisions in [RCW 42.40.010](#) and [RCW 49.60.210](#).

Supervisors are responsible to report instances of harassing behavior via the chain of command to the Chief of Police. The internal affairs coordinator is responsible for investigating charges of harassment. Supervisors who ignore harassment, or who fail to report these incidents through the chain of command, are subject to discipline.

26.1.4 DISCIPLINE SYSTEM

The Pasco Police Department recognizes the importance of discipline as a tool to promote moral and professional improvement. Discipline is the responsibility of each individual within the department. A well-disciplined police force is one that voluntarily and willingly abides by all established rules, policies and procedures. The Police Department has established a disciplinary system to provide consistency throughout the department.

The Pasco Police Department employs a structured disciplinary system to be followed in case of alleged or suspected violations of the law, departmental rules, policies or procedures. Documentation on the employee's progress, or lack thereof, will be maintained on file with the supervisor as part of the employee's next regular evaluation.

The Chief of Police may alter or modify any disciplinary action if it is in the best interest of the City.

Discipline will generally be administered in a progressive fashion and can include any combination of the following penalties:

1. Counseling and/or Training
2. Verbal Warning
3. Written Reprimand
4. Suspension

5. Demotion
6. Termination of Employment

Discipline is determined by taking into consideration the following:

1. The seriousness of the incident.
2. The circumstances surrounding the incident.
3. The employee's past disciplinary record.
4. The employee's past work performance.
5. The actual overall impact of the incident on the organization.

Serious Misconduct: Certain behavior has been identified to be so serious in nature that, if verified, will result in consequential discipline, up to and including termination. The behaviors are:

1. Harassing behavior – as described in 26.1.3 and AO 260
2. Abuse of authority – when determined to be willful and/or malicious in nature
3. Insubordination – when determined to be willful and egregious in nature
4. Deception and or lying – when determined to have been done in conflict with the agency's guiding principles of integrity and accountability.
5. Behavior that tends to cause a significant lack of trust in our agency

A. Training

In minor disciplinary cases, training can be used as a corrective method of positive discipline. Minor procedural mistakes or inappropriate judgment, as a general rule, will be counseled and/or given appropriate training. The department may mandate remedial training for employees found to be deficient in necessary job related skills.

B. Counseling

The purpose of counseling is to place a person on notice that their conduct is unacceptable and to give the person the opportunity to modify their behavior.

C. Punitive Actions

Experience has shown that personnel respond when they know what the rules are and can guide their conduct accordingly. The prohibited types of conduct listed in policy 26.1.1 – Code of Conduct are examples of behavior that could subject an employee to discipline.

Serious penalties are imposed for successive incidents of prohibited conduct. Suspension without pay may be up to, but not exceed, 30 working days.

First line supervisors (or those who are acting in that capacity and are recognized by Civil Service or by the chain of command) are empowered to issue discipline in the form of oral counseling or verbal warnings. First line supervisors can write written reprimands, however, the written reprimand cannot be placed into the employee's file until it is approved by the Captain and unit managers who may, in addition to oral counseling and verbal warnings, issue written reprimands.

26.1.5 SUPERVISOR ACCOUNTABILITY

Supervisors must have a thorough knowledge of current rules, policies, procedures and performance standards established within the organization so that they can enforce and communicate them to their assigned employees. Supervisors may be held responsible for the acts of their employees or for their failure to act when appropriate.

Each supervisor is expected to participate actively in the disciplinary process and have an important role in effecting positive discipline. Supervisors will participate in the development of rules, policies and procedures defining misconduct and unacceptable performance. Supervisors will give timely advisement to employees of any performance or behavioral problems that could result in disciplinary action. Supervisors will notify the division captain of any performance or behavior problems of subordinates that could result in disciplinary actions. The employee evaluation form may be used to document performance or behavior problems that could (or have) result(ed) in discipline within the current period of evaluation. Supervisors will facilitate and/or participate in training of assigned employees in proper conduct and acceptable performance. They will take disciplinary action in a timely manner where there is misconduct and/or unacceptable performance. Supervisors may perform investigations and recommend disciplinary actions to the Chief of Police.

Follow-up on disciplinary action is also the responsibility of the supervisor. Behavior or performance problems that resulted in discipline, but that have been improved or corrected, should be acknowledged and documented. In addition to timely acknowledgement, improvements and/or corrections should be documented in the employee's next regular evaluation. If improvement or correction in performance or behavior is not made, the supervisor must proceed with additional and progressive disciplinary action.

A. Authority of a Supervisor in Disciplinary Action

First line supervisors are generally authorized to discipline employees through oral counseling, verbal and written reprimands. In certain situations, sergeants and other first line supervisors may temporarily relieve an employee of up to one full shift of duty, with pay if a violation of a department or supervisory order or other act compromising the function and/or integrity of the department occurs (i.e. fatigue, unfit for duty due to emotional problems, intoxication). The supervisor ordering the relief of duty will immediately notify the appropriate division captain and the Chief of Police of the incident. The supervisor will write a detailed report of the full circumstances of the incident and forward it through the chain of command.

B. Extended Relief of Duty

The Chief or his designee may extend the relief of duty with pay until the next business day, unless circumstances warrant further immediate action.

26.1.6 APPEALING DISCIPLINARY ACTION

Represented employees use the process outlined in the grievance procedure contained in their collective bargaining agreement. Non-represented employees may appeal disciplinary action up their chain of command; final determination rests with the City Manager. Employees are encouraged to try to resolve disciplinary issues informally prior to filing a grievance.

26.1.7 TERMINATION PROCEDURES

When an employee is terminated, they will receive notification from the Pasco Police Department which contains the following information:

- A. A statement citing the reason(s) for termination
- B. The effective date of termination
- C. A statement of the status of accrued employee benefits after termination

This policy does not apply to probationary employees.

26.1.8 MAINTENANCE OF DISCIPLINARY RECORDS

Disciplinary findings, including demotions, suspensions and terminations are placed in the employee's permanent personnel file and are not purged. Written reprimands may be removed from personnel files after a pre-determined time set by the Chief of Police.

At the conclusion of the disciplinary action, the person completing the investigation forwards the records/reports to the Office of the Chief of Police.

26.1.9 ADMINISTRATIVE INVESTIGATIONS REGARDING FLEET DAMAGE

The intent of this policy is to administratively review vehicle collisions that involve department vehicles. The aim of this policy is to resolve collisions internally by insuring consistency in reporting through review of each incident. This review will determine whether patterns are developing and assess future training needs and will assign responsibility for various phases of the investigative process.

A. Employee's Responsibility

When a department vehicle is damaged by a collision or incident, the employee responsible for the vehicle shall immediately notify the on duty supervisor. A uniform collision report or department case report will be completed and forwarded to the on duty supervisor.

B. Supervisor's Responsibility

Supervisors notified of one of the above incidents require a preliminary investigation to be

conducted. A member of the traffic unit or other trained official will normally investigate traffic collisions. If a member of the traffic unit is not available, a patrol officer or a patrol supervisor will complete the initial report(s). If a collision occurs outside the city limits, the supervisor will request the appropriate agency to conduct the investigation. The other agency report will be attached to the appropriate PPD paperwork and forwarded by the supervisor to the division captain. In addition to these forms, the city incident report forms will be completed so that risk management is made aware of the incident.

The supervisor will assemble and review all documents applicable to the incident and screen for completeness. After the supervisor determines that the package is complete, the supervisor will copy the package and forward the original of the city incident forms to the city risk manager. A copy of the city incident forms will be sent to the Chief of Police. A copy of the city forms and the rest of the completed package will be forwarded to the division captain.

If it becomes apparent during the course of a collision investigation involving a department driver and vehicle that a non-departmental driver may be cited for a violation stemming from the collision investigation, the investigation will be forwarded to the Chief of Police for review. Upon review, the Chief or his designee will determine whether or not enforcement action shall be taken.

Incidents involving serious injury or liability concerns to the city should be reported to the City Risk Manager immediately.

C. Division Captain's Responsibility

When a fleet collision or incident occurs, the division captain will ensure that: all required reports are assembled and that the city risk manager and equipment rental manager have been sent copies; all incidents of vehicle damage are investigated and appropriately reported; and determine if a policy violation or a violation of the law occurred. The completed investigation with findings is to be forwarded to the Chief of Police who will determine if further action is necessary.

D. Reporting Requirements

The division captain is responsible for the content of the investigation. The reporting requirements include:

1. Notification of the risk manager
2. Notification of the equipment rental manager
3. Completion of appropriate case reports and supplemental reports (collisions require a uniform collision report form)
4. Completion of the city incident forms by officers, witnesses and supervisors

E. Adjudication

1. Accident Review Board

Upon receipt of a completed investigative file, the division captain will contact the employee and

arrange for an interview, if deemed necessary. The division commander will consider time frames required for notification of employees subject to discipline. Employees will be afforded all policy and bargaining unit rights. After concluding the interview and reviewing the documents, the division captain will forward a recommendation to the Chief stating whether or not the Accident Review Board should be convened.

The Accident Review Board shall review all documents related to the incident, department policies and procedures and will classify the occurrence using the following guidelines:

1. Accidental; if determined accidental, then a determination will be made if the collision was:
 - Preventable
 - Not preventable
2. Intentional striking; if it is determined that the incident is an intentional displacement or striking, the Board will determine whether the incident was:
 - Justified
 - Not justified

The facts, opinion and rationale employed by the Board in rendering such a finding shall be included with the written determination.

If the Board determines that an incident was a “preventable” or a “not justified” event, the affected division captain will recommend sanctions to the Chief of Police from among the following options singularly or in combination thereof. (Sanctions are listed from least to most serious)

- No sanctions
- Mandated training, education or event related assignment such as commentary drive.
- Supervisory counseling with a warning regarding the incident.
- Written reprimand
- Suspension
- Termination

Whenever any of the sanctions are determined to be appropriate, the division captain will direct the employee's immediate supervisor to document the sanction in the next regular performance evaluation.

2. Internal Affairs Function:

If the division captain determines that a policy violation has occurred, the Support Operations

Captain will provide assistance to the division captain throughout the adjudication process.

If policy violations are indicated during the review process and sanctions are recommended, the division captain will send the report to the internal affairs investigator who will attach a report summarizing previous traffic collisions and disciplinary action taken to ensure uniformity and return the entire package to the division captain.

Once the division captain has completed the report, made recommendations regarding the investigation and compiled the necessary reports and documents regarding the incident, the packet will be forwarded to the Chief for review and issuance of discipline. The Tri-City Special Investigative Unit may be requested by the Chief of Police to conduct the investigation.

26.2.1 COMPLAINT INVESTIGATION

Police Officers, as representatives of the law enforcement community, each share a responsibility to serve the public in the most efficient and ethical manner possible while adhering to the highest moral and ethical standards of conduct at all times. This is essential if agencies are to maintain the public's trust upon which its continued success as an organization depends. Achieving an understanding of this responsibility is critical to enhancing professionalism within law enforcement and providing a strong foundation for making wise decisions. Police officers must know the boundaries for accepted behavior, as established by the Government through the Constitution, as well as laws, regulations and policies. Civilian employees are held to those same moral and ethical standards of conduct. Below outlines the Department process for investigating complaints:

All Citizen Complaints will be handled in an expeditious manner. The citizen will be given the option of filing a formal or informal (including anonymous) complaint. If the supervisor can settle the complaint at the time it is made, and providing the situation is of a minor nature, the Complaint Investigation form does not need to be filled out. The supervisor choosing to handle the complaint on an informal basis shall advise the complainant that there will be no formal report but that informal complaints or complaints resolved that are minor in nature will be noted in I/A Pro.

26.2.2 COMPLAINT INVESTIGATION RECORDS

Internal affairs investigative files are confidential records of alleged misconduct. These records are managed and secured as a function of the Chief of Police. All materials are secured in key locked file cabinets. The IA file cabinets are to remain secured at all times.

All Internal Affairs complaints that are sustained (by the Chief) will be kept indefinitely.

Complaints that are not sustained are purged per state retention regulations. Records are secured and maintained in the Office of the Chief of Police.

26.2.3 DIRECT ACCESSIBILITY TO THE CHIEF OF POLICE

The Internal Affairs Investigator or assigned command officer reports directly to the Chief of Police when investigating an Internal Affairs Complaint (IAC).

26.2.4 REGISTERING COMPLAINTS PROCESS

The Pasco Police Department makes available to the public the citizen Complaint Forms [online](#)

and at the Records counter. The forms may be mailed or electronically submitted. In the event an employee becomes aware of a complaint, they will immediately contact a supervisor who assists the complainant. The complaining party does not have to complete the form to file a complaint. Complaints will be accepted in any format to include anonymous complaints.

26.2.5 ANNUAL SUMMARIES AND PUBLIC AVAILABILITY

The Deputy Chief will provide an annual review of all internal investigations and send a report to the Chief of Police.

26.3.1 COMPLAINT TYPES

When possible, complaints will be handled by the immediate supervisor or the supervisor on duty, however, every member of the department has an obligation to accept complaints from the public if a supervisor is not available. When a supervisor receives a complaint, the following should be applied to determine if the information should be handled as a complaint.

- Has an allegation of improper behavior been made?
- Was the employee's alleged action(s) a possible violation of department policies and procedures?

If the complaint meets the above definition, the supervisor will then determine if the complaint requires further investigation. If so, the supervisor completes the Pasco Police Department Citizen Complaint (CCF) Form and forwards it through the chain of command.

A. Complaints for Line Supervisor

The types of complaints that can be handled by the first line supervisor include, but are not limited to:

- Rudeness
- Unresponsive to requests
- Inappropriate language
- Inconsistent enforcement measures
- Failure to perform minor departmental procedures

B. Complaints for Internal Affairs

Examples of complaints to immediately document on the CCF form are:

- Repeated violations of department policy
- Racial, sexual or other forms of harassment
- Violations of the law

- Excessive or inappropriate use of force

The Chief of Police will designate either the internal affairs (IA) investigator or a command level officer to investigate these types of serious complaints.

C. Review of Supervisor Investigation

When the supervisor concludes the investigation, the supervisor sends a memorandum via the chain of command to the Captain outlining how the complaint was handled.

1. The Captain reviews the memorandums completed by supervisors for consistency. The Captain may determine that further investigation and/or disciplinary action should be taken and may recommend that a formal internal affairs investigation be initiated.
2. If the Captain receiving the memorandum determines that the complaint warrants a formal internal affairs investigation, a request memorandum is forwarded to the Chief of Police for review. Assignment of investigation will be determined by the Chief of Police. First line supervisors within the same division are not assigned to investigate internal affairs complaints of serious nature.
3. The Chief directs the IA Investigator to assign the internal affairs control number and commence the investigation or forward the file to the assigned investigator.
4. All documented complaints assigned to investigative or command level officers will be reviewed by the division Captain for consistency and completeness of the investigation prior to final disposition by the Chief of Police.
5. The Chief of Police may request outside assistance from other agencies when investigating an Internal Affairs Complaint.
6. Whenever the department investigates allegations of police misconduct, all employees shall fully cooperate with the investigation and answer all questions truthfully and completely.
7. Whenever an investigation requires that an accused employee be interviewed, the accused employee shall be afforded due process of law, which includes the right to be informed of the alleged violations and the opportunity to respond to such charges.
8. Whenever an accused employee is to be interviewed, and the results of that interview could lead to disciplinary action, the interview shall be conducted pursuant to the following conditions. These conditions, however, shall not apply to routine, supervisory contact with an employee for the purpose of counseling, training or verbal admonishment.
 - A. The interview shall be conducted at a reasonable hour, preferable at a time when the employee is on duty or during normal waking hours for the employee, unless the seriousness of the allegations

requires otherwise.

- B. The interview shall be for a reasonable time period, taking into consideration the severity and complexity of the allegation(s) being investigated. Employees being questioned shall be allowed to attend to their own personal physical necessities, as needed.
 - C. The accused employee shall be informed prior to the interview of the name of the person in charge of the investigation, the name of the questioners and all other persons to be present during the interview.
 - D. The accused employee shall be informed, prior to the interview, of the nature of the investigation.
 - E. The accused employee shall not be subjected to abusive or offensive language nor shall investigators make promises or threats as an inducement to answer questions.
 - F. If the interview is to be tape recorded, the accused employee shall be so advised prior to the interview. The accused employee shall have access to the tape, subject to the conditions set forth in section 26.3.6 of this policy.
9. When the investigation is concluded, and if the department sustains the allegations, the accused employee shall have an opportunity to read the charges, the conclusions reached and any recommendations made before final disciplinary decision is made.
10. The accused employee shall have a reasonable amount of time in which to file a written response to the charges, conclusions or recommended sanction before a final disciplinary decision is made. Any written response shall be made a permanent part of the investigative file.
11. Without their express consent, employees under investigation shall not be subjected by the employer to visits from the press or other news media nor shall the home address, telephone number or photograph be given to the press or other news media.
12. In the event that discipline is imposed upon the accused employee, that employee shall be provided with a due process appeal process or procedure to review the disciplinary case.
13. No employee shall be discharged, disciplined, demoted, transferred or denied promotion or reassignment or discriminated against with regard to employment or threatened with any such action for exercising any of the rights set forth in this policy.
14. If any investigation is conducted in furtherance of the intent to prosecute the employee for a criminal offense, the employee shall be afforded the same

constitutional rights or privileges or guarantees enjoyed by any person.

26.3.2 NOTIFYING THE CHIEF OF POLICE

Complaints listed in 26.3.1.B – Complaints for Internal Investigation, shall be brought to the immediate attention of the Chief of Police. Complaints listed in 26.3.1.A – Complaints for Line Supervisors, can be postponed to a later time.

26.3.3 INFORMATION GATHERING/TIME LIMITS

The IAC form will thoroughly outline the facts known at the time the complaint was taken. Supervisors will document all relevant information to aid in the timely completion of the investigation. The supervisor forwards the information (i.e.; case reports, CAD histories, complainant/witness statements, photographs, etc.), with the IAC Form up the chain of command.

Internal investigations will be completed as soon as possible and are considered of the highest priority. The investigation should be completed within thirty (30) days of assignment. If during the investigation unforeseen circumstances occur, an extension may be given by the Chief of Police. The assigned investigator notifies the affected employee of the extension period.

26.3.4 INFORMING COMPLAINANT

The assigned investigator will request the complainant sign the Citizen Complaint Form and provide them with a copy; this serves as a receipt. The form briefly describes the responsibilities of the complainant and the allegation/s being made. The assigned investigator provides a tentative deadline when the investigation will be completed. The investigator provides weekly status reports to the complainant and affected personnel when investigations take longer than two weeks to complete. A letter explaining the outcome of the investigation is sent to the complainant by the IA investigator at the conclusion of the investigation. The letter is approved and signed by the Chief of Police.

26.3.5 STATEMENT OF ALLEGATIONS/RIGHTS

All personnel under investigation will be notified of complaints against them by the assigned investigator within two working days of assignment of the department internal affairs control number.

If the Chief of Police determines that notification to personnel under investigation might compromise the inquiry, notification may be delayed until the end of the investigation.

Employees under investigation will be allowed all protection under Washington State Law, Pasco Civil Service Rules, Pasco City Ordinance and the respective collective bargaining agreements.

26.3.6 SUBMISSION TO TESTS, PROCEDURES

When there is reason to believe the below listed information is necessary during the course of an Internal Investigation, the Chief of Police or designee may require an employee to submit the

following:

- A. Medical or laboratory examinations
- B. Photographs
- C. Audio or video recordings
 - Employees of an internal investigation may be provided an exact recorded copy of any of their statements, upon request. If the employee requests an independent transcription of their taped statements, it will be at the employee's expense.
- D. May be required to participate in a lineup or photo montage
- E. May be required to submit to financial disclosure
- F. Instruments for the detection of deception
 - The Pasco Police Department follows state law and the current labor contract when dealing with polygraph examinations during internal affairs investigations.

Evidence collection for Internal Affairs investigations involving Pasco Police Department employees will be conducted in accordance with Washington State Law and the current labor agreements.

26.3.7 RELIEVED FROM DUTY

The Chief of Police is empowered to impose all forms of discipline as authorized by City policy, Civil Service rules and labor contracts. Only the Chief of Police or City Manager may administer more serious discipline; such as suspensions, demotions, etc.

If an employee has allegedly committed an act that would be considered neglect of duty, other serious misconduct or criminal activity, an internal affairs investigation is possible. Immediate, temporary relief from duty may be ordered if an employee is involved in an incident that relates to their physical or psychological fitness for duty and is supported by reasonable cause to believe that it might be substantiated. In these instances, the employee is temporarily relieved of duty with pay by any person holding supervisory authority or who is acting in that capacity.

The temporary relief of duty shall be documented in writing by the supervisor and forwarded immediately to the employee's Captain. The Captain is notified at the earliest possible time of the decision to relieve the employee of their duties and sets a date and time to meet with the employee/s involved. Generally this meeting should occur the next business day.

The Captain notifies the Chief of Police of the incident and whether a formal internal affairs investigation is recommended. The Chief determines whether to authorize a continuation of the temporary relief from duty, orders paid or unpaid suspension or orders the employee to return to work.

26.3.8 CONCLUSION OF FACT

At the conclusion of an Internal Affairs investigation the following individuals will be notified in writing of the results as directed by the Chief of Police:

1. Accused employee(s)
2. Accused employee(s) chain of command
3. Complainant

The Chief shall consider the findings and make a final determination based on the facts gathered during the investigation. The burden of proof is a preponderance of the evidence. The Chief may send the investigative packet to the Captain for review and input prior to rendering a decision. The Chief of Police gives authority to the Captain to administer verbal warnings or written reprimands at the end of an internal investigation.

The disposition types include:

- **Unfounded:** The complaint was false, did not occur or was not factual.
- **Exonerated:** The allegation is factual and did occur but the employee was justified, acted lawfully, properly and within the bounds of accepted police conduct.
- **Not sustained:** There is insufficient information to either prove or disprove the allegation.
- **Sustained:** The allegation is supported by a preponderance of the evidence.
- **Other misconduct-sustained:** Misconduct discovered during the investigation, not known at the time of the original complaint. The misconduct is investigated under the same procedures as the original complaint.
- **Failure of Policy:** The policy was unclear or outdated and needs to be revised and played a significant role in the complaint being made.
- **An Unintentional Error:** This would be a minor allegation where there is sufficient evidence to support the claim as well as equal evidence which shows the act was purely inadvertent.

A. Complaint Sustained

If a complaint is sustained or other misconduct is disclosed during the investigation, disciplinary action may be taken. If a complaint is determined to be false and the evidence indicates that it was made maliciously, the employee can be provided all lawful assistance consistent with state law, City and department policies and procedures to pursue civil recourse against the complainant.

Upon conclusion of an investigation where a sustained finding has been determined, the

following discipline may be administered:

1. **Counseling/Training:** If the employee misconduct is less serious, i.e. procedural mistake or used poor judgment, then a documented counseling session or appropriate training may be required.
2. **Verbal Warning:** Minor incidents, i.e. traffic infractions, late for work.
3. **Written Reprimand:** Sustained misconduct that is serious or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes. The written reprimand outlines what policy, procedure or rule has been broken and the conduct that constituted a violation. Reprimands are a permanent part of the employee personnel file per [RCW 40.14.070](#).
4. **Suspension/Demotion:** If the employee conduct is very serious or shows a continuous pattern of behavior involving repeated serious misconduct, the employee may be suspended or demoted as outlined in current Pasco Civil Service rules or per City policy.
5. **Termination:** If the employee misconduct is so serious that continued employment is not an option or the behavior/action is part of a continuing pattern of behavior that is serious or very serious misconduct, employees may be recommended for dismissal, as outlined in current Pasco Civil Service rules and City policy.
6. **Suspension/Demotion/Dismissal:** The department outlines the sustained charges by completing a synopsis of the findings and forwards the information, along with notice that disciplinary action is intended, to the employee. The employee then has fourteen (14) calendar days to respond to the information either in writing or by sending a written request for a meeting with the Chief of Police. At that meeting, the employee has the right to have a bargaining unit representative or legal counsel present. The Chief will, within ten (10) working days, notify the employee of the final decision, taking into account all aspects, including the employee's input.
 - Suspensions/Demotions/Dismissals are a part of the employee personnel file as required by the State of Washington Record Retention Schedule.
 - In the event an internal affairs investigation proves a "sustained allegation" and the Chief determines that suspension/demotion/dismissal will occur, the employee has the right to use the grievance procedure outlined in the labor agreement or appeal to the Pasco Civil Service Commission.

26.3.9 IMPEACHMENT DISCLOSURE

It shall be the policy of the Pasco Police Department to follow Brady disclosure requirements consistent with the law. Officers who are knowingly and intentionally untruthful or are otherwise dishonest in the course of their employment are subject to impeachment of testimony at trial.

Such officers are also subject to disciplinary action up to and including termination of employment.

The purpose of this policy is to ensure compliance of laws and decisions regarding properly fulfilling mandated reporting and testimonial requirements.

The prosecution must disclose to the defense evidence that is favorable to a defendant. *Brady v. Maryland*, 373 U.S. 83 (1963). This duty to disclose such evidence is applicable even though there has been no request by the accused. *United States v. Agurs*, 427 U.S. 97, 107 (1976). The rule encompasses material exculpatory evidence including impeachment evidence. *United States v. Bagley*, 473 U.S. 667, 676 (1985). Evidence is material "if there is a reasonable probability that had the evidence been disclosed to the defense, the result of the proceeding would have been different," i.e. prejudice to the defendant must have occurred as a result. *Kyles v. Whitley* 514 U.S. 419, 433-434 (1995).

Suppression by the prosecution of material exculpatory evidence violates due process where the evidence is material either to guilt or to punishment irrespective of the good faith or bad faith of the prosecution. Thus, violations can occur whether the State willfully or inadvertently suppressed the evidence. *Strickler v. Greene*, 527 U.S. 263, 280-281 (1999). In order to ensure compliance with these rules, the United States Supreme Court has urged the "careful prosecutor" to err on the side of disclosure. *Kyles v. Whitley*, 514 U.S. 419, 440 (1995).

26.3.10 PERSONNEL INVOLVEMENT IN DOMESTIC VIOLENCE INCIDENTS

Domestic violence incidents involving employees of the Pasco Police Department and other law enforcement agencies that fall within the investigative jurisdiction of the Police Department shall receive the same response as they would to any other crime.

The department has a zero tolerance of domestic violence. Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, investigate thoroughly and arrest the perpetrator upon establishment of probable cause and conduct such administrative and other investigations as deemed necessary.

The Domestic Violence Procedures Manual has the established and provides procedures relating to domestic violence investigations involving law enforcement personnel.

Employees who are a party to any restraining or protection order, issued in any jurisdiction, shall immediately report that fact to their respective supervisor. Supervisors shall immediately forward this information through the chain of command to the Chief of Police.