

1.10-5

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
PROFESSIONAL STANDARDS BUREAU**



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

Rev. 2/13

POLICY STATEMENT

It is the policy of the Dayton Police Department to accept and investigate all complaints of alleged misconduct against its members. Based upon its findings the department will promptly determine a fair and just resolution by a preponderance of the evidence.

The Dayton Police Department's objective is to protect the public while maintaining the integrity of the Department and the individual police officer through an internal investigative system, which provides an intensive, impartial examination, and review of the allegations. Throughout these procedures the rights of the individual police officer and the citizen shall be acknowledged and not compromised. An essential balance must be maintained to ensure fair, objective, and just treatment of the issues and parties concerned.

- A. Professional Standards Bureau (PSB) personnel have the vested authority of the Chief of Police in matters related to the review of police conduct and, as such, will:
 1. Investigate or cause an investigation of allegations of misconduct to be conducted.
 2. Coordinate the complaint process of the Dayton Police Department.
 3. IAPRO software management.
 4. Be the central repository for all internal investigations, including:
 - Professional Standards investigations
 - Forced Entry investigations
 - "Injury prior to arrest" memorandums
 - Chemical irritant investigations
 - Administrative investigations
 - Response to Resistance reports and investigations
 - Citizen Complaint investigations
 - City vehicle accidents
 - Pursuit reports
 - Canine Bite reports
 - Custodial Release reports
- B. Final determination as to whether or not an investigation will be initiated rests with the Chief of Police.
- C. PSB will provide statistics pertinent to its investigations upon requests by the community.
- D. PSB case files are confidential and retained in a locked storage area separate from other personnel files.
 1. All cases will be filed by a classified case identification number and not by the employee's name.
 2. Case files will be destroyed in accordance with the retention schedule established by PSB and in compliance with applicable Records Retention laws.



II. DEPARTMENTAL SUPERVISOR'S RESPONSIBILITIES

- A. Members of the department will assume the obligations of their rank and will:
1. Perform their duties as ethically required in the investigation of complaints or allegations of misconduct against members of the department;
 - If the focus employee of an administrative investigation is a supervisor, a supervisor of the next higher rank must conduct the investigation. If no higher rank supervisor is available, Professional Standards Bureau should be called in to initiate the investigation.
 2. Cooperate fully with the personnel of the PSB, or any member conducting an internal investigation while maintaining the confidentiality of the probe.
- B. Command and supervisory personnel will personally initiate investigations when the alleged violation reported or observed is within the scope of their authority (See Citizen Complaint Procedure, General Order 2.04-9 Handling Citizen Complaints).
- C. Administrative supervisory investigations will be forwarded through the chain of command to the Chief of Police for approval and then to PSB for retention.
1. For investigations where the allegation against the employee is **SUSTAINED**, the investigation will include a letter to the complainant for the Chief's or his designee's signature, which briefly explains the outcome of the investigation. The letter will provide the disposition of the case in layman's terms and the name and phone number of the investigating supervisor for personal response to inquiries. This does not apply to force investigations.
 2. For investigations where the allegation against the employee is anything other than SUSTAINED, the investigation will include a letter to the complainant for the appropriate Division Commander's signature, which briefly explains the outcome of the investigation. The letter will provide the disposition of the case in layman's terms and the name and phone number of the investigating supervisor for personal response to inquiries and the name and phone number of the PSB Commander for appeal process inquiries. This also does not apply to force investigations.
 - The responding Division Commander's Office will include a brochure on the Citizens Appeal Board and an appeal form.
- D. When any administrative investigation reveals possible criminal conduct by a police employee, PSB will be notified.
- E. Criminal Investigations will be referred to the investigative section supervisor or agency having jurisdiction over the alleged offense.
1. The detectives will conduct the investigations with confidentiality.
 2. All PSB investigations will be conducted independent of the criminal investigation.
 3. PSB will monitor all criminal proceedings involving Department personnel.



4. An exception to the separation of criminal and administrative investigations is when PSB either initiates the criminal probe or is directed to do so by the Chief of Police.
- F. If a police employee is arrested or released pending summons for a criminal offense, the following persons will be immediately notified:
1. The Investigations Bureau Commander having jurisdiction over the offense.
 2. The PSB Commander.
 3. The employee's Division Commander.
 4. The employee's Watch Commander.

III. EMPLOYEES' RIGHTS and REQUIREMENTS

- A. Police Employees, who are the subject of a PSB investigation, will generally be interviewed during their regular work hours.
1. Interviews will be conducted at a location, which is private and controlled.
 2. In most instances, the interview will take place in the interview rooms of PSB, 371 West Second St.
 3. PSB Investigators are not precluded from interviewing an employee on sick or injury leave when required to do so and no contractual caveats exist.
- B. When a police employee is scheduled for an interview as part of an administrative investigation:
1. Notification will generally be given in the form of a written order-in personally served to the employee by PSB personnel or by a supervisor, who will forward the signed copy to PSB.
 2. Employees are responsible for notifying PSB for rescheduling of the interview when ordered in for a time that is not during regular work hours.
 3. Employees failing to re-schedule or appear at an interview are subject to disciplinary action.
 4. The notification will be given not less than 24 hours prior to the interview, unless:
 - a. The employee waives the 24-hour rule, or
 - b. The interview is contemporaneous to the incident and the 24-hour rule is not applicable.
- C. The police employee will be apprised of the following in the formal notice.
1. The allegations contained in the complaint or the subject of the investigation.
 2. The right to representation in accordance with the labor agreement.
 3. The interview will be tape recorded by PSB.



- D. To maintain the integrity and confidentiality of the interview:
1. Employees will be prohibited from personally tape recording the interview.
 2. Employees are prohibited from choosing a representative who has been or may be interviewed in connection with the case at hand.
 3. Employees are obliged to answer questions or render materials and relevant statements.
 4. Employees and their representatives will be accorded the opportunity to clarify any issue or make pertinent comments prior to the termination of the interview.
- E. In the event PSB investigators are conducting a criminal probe, as opposed to an administrative investigation, all police employees subject to interviews will be:
1. Specifically informed at the onset that the nature of the probe is criminal, not administrative;
 2. Accorded all applicable constitutional protections such as the right to an attorney, the right to refuse to answer questions, et cetera.
- F. Employee interviews, if conducted contemporaneous to the incident, are not bound by the formalities of notice, representation or issuance of an S-93.
- G. A police employee may be required to participate in a videotape walk through or reenactment of an incident, a lineup for identification, or other activities as required by the nature of the investigation.
- H. Blood, breath or urine tests will be conducted at the direction of PSB investigators in all circumstances identified as Reasonable Suspicion for drug and/or alcohol testing in Section V. (A.) of General Order 1.02-2 - Drug and Alcohol Testing. (Additional Resource – Personnel Policies and Procedures Manual - 2.13 - Fitness for Duty for City Employees).
- I. When an administrative investigation necessitates, a police employee may be required to:
1. Submit to a medical or laboratory examination.
 2. Provide for a release of medical information.
 3. Render or provide a release for financial disclosure statements.
- J. Employees are entitled to discovery pursuant to the conditions set forth in the labor agreement.
- K. Employees ordered-in for an interview with the Sexual Harassment/Hostile Work Environment Investigator will treat the order-in as above and act accordingly.

IV. PHOTOGRAPHS

- A. All police employees will report to be photographed when notified by the Professional Standards Bureau.



1. Photographs will be numbered and placed in the Identification Album. Photographs of specified members of the Special Investigations – Administrative Services Division will be placed in a separate album.
 2. PSB will make photo prints available for media release when so directed by the Chief of Police or by law.
- B. Each sworn employee will report to PSB for new photographs when notified to do so.
- C. Each officer is to be photographed hatless.
- D. Officers who wear glasses and/or contacts will be photographed with and without glasses. Officers must bring their glasses for the photo session.

V. POLYGRAPH EXAMINATIONS

Police employees will be required to submit to a polygraph examination under the conditions prescribed in the labor agreement.

- The complainant must sign an affidavit and submit to a polygraph test before the employee is required to do so.
- Before taking the polygraph examination, a sworn employee may receive a copy of the complainant's sworn affidavit through a written request.
- Polygraph tests will not be considered conclusive in any investigation.

VI. SEARCHES

Reasonable searches by supervisors or PSB personnel of City-owned equipment, i.e. desks, lockers, storage space, vehicles, computers, electronic devices, offices, and facilities assigned to the exclusive use of an employee may be conducted.

- A. Privacy will not be an expectation of an employee when utilizing City equipment for duty-related activity.
- B. A search of City property or premises, owned, leased or donated, initiated to secure evidence for an administrative investigation, is reasonable.
- C. An employee can be required to relinquish unauthorized equipment, evidentiary property, or other duty related personal property necessary in an administrative investigation.
- D. A search under the guise of an administrative inspection subsequently used in a criminal prosecution is prohibited.



VII. Blue Team/IAPro Electronic Administrative Investigation Tools

BlueTeam is software that allows officers and supervisors to enter and manage incidents from “the field”. A simple, step-by-step internet-style interface is used. Incidents – including use-of-force, field-level discipline, complaints, vehicle accidents, pursuits, administrative investigations, etc. are entered and can then be routed through the chain-of-command with review and approval at each step. For further details see General Order 2.04-10 Administrative Investigations.

IAPro is the final repository and final investigative program of the Blue Team electronic administrative investigation tool program. All reports ultimately reside in IAPro and are tracked by PSB personnel for final disposition. IAPro assists the department in identifying potential problems early on, so that proactive action can be taken. IAPro ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern.