

PROFESSIONAL STANDARDS

22.1 ADMINISTRATION AND OPERATIONS

PHILOSOPHY: The community trust in and the credibility of the Lakewood Police Department are critical aspects of the Department's mission. Members of the Lakewood community should have full confidence in the ethics and integrity of the individuals they entrust with their safety. Feedback provided through the professional standards function of the agency allows the Department to constantly evaluate the capabilities of the department and the individual employees to ensure improvement and the highest levels of service.

22.1.1 Professional Standards

Principle: All complaints against the Lakewood Police Department and its members will be investigated. Anyone may initiate a complaint. Complaints can be taken in person, over the telephone, in writing, or anonymously. All complaints not immediately resolved to the complainant's satisfaction will be documented on the proper forms.

Practices: It is important to avoid providing complainants with inaccurate information or giving them the impression that their concerns are not important. Therefore, if an employee receives information from a person that he/she wishes to make a complaint against a Lakewood Police Department employee, the employee receiving the complaint will immediately make an attempt to put the complainant in contact with an on-duty supervisor. If an on-duty supervisor is not immediately available, the employee taking the complaint should get contact information from the complainant and advise him/her that a supervisor will contact them as soon as possible to discuss details of the complaint. The employee will be sure to obtain contact telephone numbers for the complainant where he/she may be reached over the next several hours. The complainant's information will be forwarded to the appropriate supervisor if he/she is on-duty. If the appropriate supervisor is not on-duty, the complaint's information will be forwarded to any on-duty supervisor. The supervisor receiving the complaint information shall return the call before the end of the shift, if possible. The supervisor returning the call will determine what type of complaint is being lodged and then take the appropriate actions.

22.1.2 Records

Principle: The Professional Standards Section is responsible for maintaining records of all documentation pertaining to Administrative Reviews and complaint investigations. The following practices shall apply in regards to these records:

- A. Administrative Reviews and Complaint investigations shall be maintained in a numbered and orderly fashion in a secured area of the Professional Standards office.
- B. A tracking number is assigned to each complaint investigation to include the year and category of investigation.
- C. The files maintained for Administrative Reviews and complaint Investigations shall be considered confidential in nature and will be maintained in a locked cabinet or filing room, separate from common areas within the station. These files are not to be viewed or discussed apart from official department business. The Professional Standards Section Sergeant or Lieutenant must approve any viewing of files by personnel not assigned to the Professional Standards Section, with the exception of the Chief of Police or Assistant Chief.

22.1.3 Authority of the Professional Standards Section

Principle: The Professional Standards Section – Internal Affairs Function reports directly to the Chief of Police. All orders and directives given by the Professional Standards Section in the course of an investigation are made at the direct authority of the Chief of Police and shall be taken as orders or directives given directly by the Chief of Police. Inspections and audits initiated by the Professional Standards Section may be either announced or unannounced. Except in matters related to the Internal Affairs function, the Professional Standards Section reports to the Professional Standards Lieutenant.

22.1.4 Process for Registering Public Feedback

Principle: The City of Lakewood is committed to creating an open and transparent government for the citizens, business owners, and visitors of Lakewood. The city uses an on-line module to register requests for service, complaints, compliments and comments.

22.1.5 Professional Standards Annual Report

Principle: Information gathered by the Lakewood Police Department in regards to complaint investigations and administrative reviews will be compiled, analyzed, and made available to employees and the community.

Practices: The following practices shall be followed in regards to annual reporting:

- A. An annual report shall be compiled at the end of each calendar year by the Professional Standards Section.
- B. This report will compile and analyze the data and content of the internal affairs investigations conducted each year. The report shall contain the following information:
 - Number and types of investigations.
 - Type of findings and any discipline issued.
 - Indications of trends or patterns of investigations and findings.
 - Training accomplished or recommended.
 - Manual of Standards implications
- C. Dissemination of Annual Reports:
 1. Report information shall be summarized and made available to employees for review and training.
 2. Report information shall be made available to the community and the media with the assistance of the Public Information Officer.

22.2 COMPLAINT PROCEDURES

22.2.1 Types of Investigations:

- A. **INQUIRY:** If the supervisor determines that the officer has followed the policies or practices of the department and the complaint is a concern related to, or confusion about, LPD policies or practices the supervisor may process this complaint as an "inquiry" only; that is to say that the supervisor will explain the situation to the complainant and the officer's reason for the act or omission. The threshold for making the decision between an "inquiry" and a "complaint" is to determine if a policy or practice was alleged to have been violated. If the allegation involves a policy or practice violation, then the "complaint" process should be followed. If the complainant is satisfied with the supervisor's handling of the inquiry, no further action is necessary. If the complainant is not satisfied with the supervisor's response or the outcome of the meeting, then the "Complaint" process described below shall be followed.
- B. **COMPLAINT:** If a supervisor determines that the complainant is making a complaint of an alleged policy violation or other misconduct, a Report of Commendation, Inquiry, or Complaint (RCIC) should be completed by the complainant. If the complainant refuses, or is unable, to complete the form, the supervisor will document the complaint in the "synopsis of complaint" portion of the Investigative Report of Complaint (IRC.). The supervisor will then initiate an investigation. If a supervisor is the one initiating the complaint for a performance or conduct issue, then RCIC is not necessary and the supervisor will document their complaint in the "synopsis of complaint" section of the IRC. The supervisor will prepare a brief summary of the allegations or deficiencies on the IRC and contact the Professional Standards supervisor for a PSS control number.

All external complainants shall receive confirmation that the complaint has been received. See Section 22.2.4 Complainant Notification for further details. Supervisory initiated complaints of misconduct or sub-standard performance are to be handled in the same manner as a "complaint," except the complainant notification requirement does not apply.

There are two primary methods for investigating a complaint: Chain of Command and Standards Investigations. All allegations of misconduct must be investigated. Upon receipt of a complaint from a citizen, or initiation of a complaint by a supervisor, depending upon the facts or allegations of the complaint, the supervisor will follow the procedures for "Chain of Command" and "Standards" investigations.

Upon receiving any complaint of misconduct or sub-standard performance, the supervisor receiving the complaint will notify the Professional Standards supervisor. Normally the Professional Standards Supervisor will assign the investigation to the supervisor of the subject employee, except for the exceptions listed below. Those allegations specifically listed below shall be investigated by the Professional Standards Section. The Chief of Police may designate the chain of command or Professional Standards to investigate any allegation.

Mandatory Professional Standards Investigations:

1. Allegations of criminal conduct by a LPD employee (concurrent with any criminal investigation being conducted by the Criminal Investigations Unit).
 2. Allegations of excessive force.
 3. Allegations of biased based conduct.
- C. ADMINISTRATIVE REVIEW: There are other types of investigations or reviews that are not normally part of the complaint investigation process, but which are reviewed by the Professional Standards Section. These are as follows:
1. Force Response Review: Force Response Reviews are conducted whenever specified levels of force are used upon persons, or when lethal force is applied during animal control. These reviews ensure compliance with departmental standards. If the initial review indicates a possible policy violation, the review may be re-classified and assigned as a complaint investigation.
 2. Pursuit Review: Pursuit Reviews are conducted whenever pursuits have occurred. These reviews ensure compliance with departmental standards. If the initial review indicates a possible policy violation, the review may be re-classified and assigned as a complaint investigation.
 3. Collision Review: Collisions involving Lakewood Police Department vehicles will be investigated under the guidelines of Section 16.1.4.
 4. Commendations: When received, these will be logged and maintained by the Professional Standards Section. A copy will be placed in the employee's divisional file.

22.2.2 Chief of Police Notification

Principle: It is important that the Chief of Police be promptly notified of allegations of misconduct against the department or its personnel. Normally such notification will come from the Professional Standards Section. If the allegation is such that immediate notification of the Chief of Police is in the best interest of the department, the supervisor initially receiving the complaint shall notify the Chief of Police or the Command Duty Officer (CDO) in accordance with the procedures listed in the Manual of Standards (MOS) section on "CDO notification."

Practices: When a supervisor has received a complaint, they shall notify the Professional Standards Section. The Professional Standards Section (PSS) shall advise the Chief of Police of the complaint and assign a PSS control number to the investigation. The Professional Standards Section shall ensure the investigation is entered into the IA Pro database for tracking, and shall assign the investigation for completion. Once completed, all complaint investigations shall be routed to

the Professional Standards Section, through the chain of command. The Professional Standards Section retains supervisory authority over all complaint investigations and is responsible for tracking their progress and for their quality control. At the discretion of the Chief of Police, an outside agency may be requested to assist with, or to conduct, any investigation.

22.2.3 Investigation Time Limits

Principle: All investigations shall be taken seriously and completed without delay. The time limits should be long enough to ensure a thorough investigation is completed. However, if there is a criminal prosecution pending against the complainant, investigation of the complaint will normally be suspended until the criminal matter is finally adjudicated so that it will not interfere with the criminal prosecution process. Exercise of this policy exception is at the discretion of the Chief of Police and will be determined on a case-by-case basis.

- A. Chain of Command (CC) Investigation – A CC Investigation should normally be completed within 45 days of initiation.
- B. Standards Investigation – Standards investigations will normally be completed within 90 days of the initiation of the investigation. However, due to the potential complexity of these investigations, extensions may be granted by the Chief of Police at 90 day intervals. If it is determined that discipline will likely be imposed, the investigation shall be completed within any time limits specified in the applicable Collective Bargaining Agreement if the accused employee is a member of a bargaining unit.

22.2.4 Complainant Notification

Principle: To ensure an open and credible complaint investigation process, the complainant(s) in all complaint investigations shall be notified of the status of the investigation. It shall be the responsibility of the investigator, with the assistance of the Professional Standards Section, to ensure that this communication with the complainant takes place. At the conclusion of the investigation, the complainant shall be informed in writing of the investigative findings.

22.2.5 Employee Notification

Principle: An employee who is the subject of a complaint investigation shall be notified either verbally by the supervisor investigating the complaint (date and time documented on the Complaint Cover Sheet) or in writing. This notification shall occur as soon as practical, depending on the nature of the investigation. If oral notification is provided, the supervisor shall follow-up with written notification within 10 days.

22.2.6 Special Practices (see City Index 500-10, LPIG Contract Articles 5 and 19)

Principle: During the course of an internal investigation, the following special practices may apply:

- A. Medical examinations of an employee (fitness for duty/drug testing) may be required to determine psychological or physical fitness for duty.

- B. Employee (department) photographs may be utilized by investigators in instances where the identity of the subject employee is not known.
- C. Employees will not be required to participate in a line-up/show-up.
- D. Employees will not be required to submit statements of financial disclosure.
- E. Employees will not be required to participate in an interview using an instrument for detection of deception.
- F. Employees have no reasonable expectation of privacy in City property, including such things as desks, computers, files cabinets (excluding Peer Support records), lockers and vehicles, provided that employees retain a right of privacy in personal possessions contained therein. Absent permission of the employee, no locker or vehicle search (excluding regularly scheduled vehicle inspections) shall be conducted unless in the presence of a union representative. Any removed items will be inventoried.

22.2.7 Relief from Duty

Principle: The Chief of Police grants the Assistant Chief, Lieutenants, and Sergeants the authority to temporarily relieve an employee from duty with pay under the following circumstances:

- A. The employee is unfit for duty due to physical or psychological reasons (i.e., under the influence of drugs, intoxicants, or extreme emotional distress, etc.).
- B. The employee refuses to follow lawful orders or directions (insubordination).
- C. The employee is being disruptive to the workplace.
- D. The employee has been accused of serious misconduct.

Practices:

- A. If a supervisor relieves an employee from duty, the Chief of Police shall be notified immediately through the chain of command and completes a memorandum to the Chief of Police explaining the circumstances and action taken. The memorandum and any associated reports shall be completed as soon as possible.
- B. The employee relieved of duty shall report to the Assistant Chief, or designee, at a time specified by the relieving authority. Relief from duty may then be extended with the approval of the Chief of Police.

22.2.8 Investigative Findings

Principle: All investigations, whether Chain of Command or Standards Investigations, will be submitted by the investigating supervisor to the subject employee's chain of command. The lieutenant of the subject employee shall review the investigation for completeness. The Assistant Chief shall make a recommendation to the Chief of Police as to the investigative findings, but not discipline, if any is to be considered.

The Chief of Police has the final decision authority regarding the official findings and any discipline to be administered. All allegations of misconduct contained in a complaint investigation shall be concluded with one of the following findings of fact:

- A. Exonerated: The incident did occur but the conduct or performance of the employee was found to be lawful and proper.
- B. Sustained: The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.

- C. Not-Sustained: There is insufficient evidence to either prove or disprove the allegation(s).
- D. Unfounded: The investigation revealed that the incident or allegation(s) did not occur.
- E. Other Misconduct: If other misconduct is alleged based off facts recovered in the investigation, a new PSS number will be assigned and a new investigation may be conducted.
- F. Standards Failure: The Standards were followed, but resulted in undesired results. A finding of Standards Failure should result in a reassessment of the Standard by the command staff, with consideration given to changing the Standard or modifying or expanding training.
- G. Retention of all Internal Investigations will follow the Washington State Retention Schedule.