

<b>MISCONDUCT INVESTIGATIONS PILOT POLICY</b>	<b>Operations Order 3.19</b>
<b>PHOENIX POLICE DEPARTMENT</b>	<b>Temp. 01/07</b> <b>PAGE 1</b>

1. **POLICY STATEMENT**

**A.** To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, department employees, or citizens will be thoroughly investigated.

(1) Minor violations of policy that are not specifically listed in Addendum A of Operations Order 3.18, Discipline Procedures and Review Boards, may be classified as a performance issue incident rather than a disciplinary issue.

(2) Supervisors that classify an allegation of misconduct or minor policy violation as a performance issue will not complete a misconduct investigation.

**B.** The bureau/precinct commander/administrator will be responsible for ensuring that all complaints being investigated by subordinates are completed within a reasonable time, usually not to exceed 24 days from the time the complaint was made.

**C.** A review of the complaint status should be conducted on a seven day interval.

2. **DEFINITIONS**

<b>Citizen Complaints</b>	<ul style="list-style-type: none"> <li>• An allegation of misconduct or wrongdoing by an employee of the Phoenix Police Department.</li> <li>• This includes the following: <ul style="list-style-type: none"> <li>* Conduct that amounts to a violation of a City ordinance, a state, county, or federal law, or a Phoenix Police Department regulation and such violation, if sustained, could result in disciplinary action against the employee.</li> <li>* The commission of any prohibited act or the omission of any act that is required.</li> </ul> </li> </ul>
<b>Misconduct</b>	<ul style="list-style-type: none"> <li>• An employee commits misconduct by non-compliance with or by knowingly or intentionally violating any rule or procedure in a Memorandum of Understanding, Employees Association Agreements, Operations Manual, other departmental or City orders, Administrative Regulations, or City of Phoenix Personnel Rules which may result in disciplinary action.</li> </ul>
<b>Work History</b>	<ul style="list-style-type: none"> <li>• May be included in the internal investigation or in memorandum form as an attachment.</li> <li>• Includes commendations, performance evaluations, and discipline history (time tables as outlined in Operations Order 3.18).</li> </ul>
<b>Policy Violation/Performance Issue Incidents</b>	<ul style="list-style-type: none"> <li>• Acts that do not involve malicious intent, repeat offenses, or a reckless/willful disregard for policy.</li> <li>• Performance issue incidents are corrected using non-disciplinary measures such as coaching, supervisory initiated training, and PMG goal setting.</li> <li>• Performance Issues/policy violations are those that are not listed in Addendum A of Operations Order 3.18, Discipline Procedures and Review Boards.</li> <li>• An internal investigation <u>will not</u> be required for performance issue incidents.</li> </ul>
<b>Recording Performance Issues for Future Review</b>	<ul style="list-style-type: none"> <li>• Supervisors responsible for providing or recommending coaching, supervisor initiated training, or completion of the employee's PMG, are required to record the nature of the incident, date of the incident, and required remediation (mentoring, training, etc.) in the supervisor notes.</li> <li>• The employee will be notified that a notation has been made into the supervisors notes and the notes will be provided to the employee to review and sign on a monthly basis.</li> </ul>
<b>Notice of Investigation (Form 80-58DB)</b>	<ul style="list-style-type: none"> <li>• A written notice that informs the employee of the specific nature of the investigation and the employee's status in the investigation</li> <li>• An NOI is not required if the policy violation is deemed to be a performance issue incident.</li> </ul>