

PROFESSIONAL STANDARDS

PROFESSIONAL STANDARDS UNIT

Purpose: To establish operational authority, policy, and responsibility for the Professional Standards Unit with the purpose of giving the North Little Rock Police Department the capacity to professionally respond to and impartially and thoroughly investigate allegations of misfeasance, malfeasance, and nonfeasance by its members to ensure the integrity of the organization, the safety of the community, and the rights of citizens and employees alike.

Policy Statement: The Professional Standards Unit is the investigative unit for the Chief of Police and is directly responsible for ensuring the integrity of the members of the North Little Rock Police Department. The Professional Standards Unit's goal is to provide positive customer service to assist citizens in resolving problems, providing information back to the Department to assist in the Departmental goal of continually improving police service within the community.

Summary of Changes: New format.

Definitions

IAPro: Secure software program used to enter, track, and store Professional Development files.

Complaints: Any report of an alleged act, or omission by a member involving misconduct, or improper performance of duty which, if substantiated, is contrary to the rules, policies, procedures, practices and traditions of the North Little Rock Police Department or any allegation which tends to indicate actual or potential defect in Department policies, procedures, rules or in the delivery of police services.

Central Index: A secure, central file storage system and/or computer software containing categorized files designated confidential in nature. The Professional Standards Unit will have the responsibility of maintaining the Central Index.

1 Organizational Integrity

1.1 Complaints will be taken in accordance with North Little Rock Police Department Policy Directive 04-02.

2 Central Index

2.1 The Professional Standards Unit will be responsible for maintaining the Central Index in accordance with North Little Rock Police Department Policy Directive 04-02 and investigative files will be categorized in the following headings:

2.1.1 DI - Divisional Investigation - Investigative files completed outside the Professional Standards Unit.

2.1.2 IA - Internal Investigation - Investigative files completed by the Professional Standards Unit.

2.1.3 IQ - Inquiry

2.1.4 LA - Letter of Appreciation

2.1.5 LR - Letter of Recognition

2.1.6 LC - Letter of Commendation

2.1.7 OT - Other

2.1.8 PC - Personnel Conference Memo

2.1.9 WW - Written Warning

2.1.10 WR - Written Reprimand

2.1.11 SP - Suspension

2.1.12 RP - Racial Profiling

2.1.13 PS - Pursuit

2.1.14 UF - Use of Force

2.1.15 VA - Vehicle Accident

2.1.16 AW - Awards

2.1.17 EWS - Early Warning Alerts

2.2 The Professional Standards Unit will maintain a record of EEOC complaints, citizen complaints, records of Department member's military orders, off duty/secondary employment records. These records will be stored in the Professional Standards Central Index. [CALEA 52.1.2]

2.3 The Professional Standards Unit is responsible for working directly with and preparing information for the North Little Rock City Attorney's Office, Municipal League legal staff, and professional attorneys who represent the City of North Little Rock and its legal interests.

2.4 If, during the course of an investigation, the Professional Standards Unit identifies possible needs for training as well as issues of recruitment and selection procedures, the information will immediately be forwarded to the Office of the Chief of Police for review.

- 2.5 All complaint files and related records against Department personnel and the North Little Rock Police Department will be classified as **CONFIDENTIAL** and will be maintained by the Professional Standards Unit in a designated secure Central Index area approved by the Office of the Chief of Police. [CALEA 52.1.2]
- 2.6 Complaint files, disciplinary actions, and related records will be maintained by the Professional Standards Unit and stored in accordance with North Little Rock Police Department Policy Directive 04-02 for the following time schedule.[CALEA26.1.8]
 - 2.6.1 Drug testing with negative results will be stored for two years,
 - 2.6.1 Use of Force files, Vehicle Accident files, and Pursuit files which result in no disciplinary action will be stored four years,
 - 2.6.2 Internal investigations and Divisional Investigations which result in no disciplinary action will be stored six years,
 - 2.6.3 Internal investigations and Divisional Investigations which result in disciplinary action will be stored eight years,
 - 2.6.4 Awards/Recognition, Firearms Discharge, and Applicant Background will be stored indefinitely.
- 2.7 When appropriate, and upon final approval from the Office of the Chief of Police, the files will be purged from the Central Index. [CALEA 52.1.2]

3 Authority

- 3.1 The Professional Standards Unit thoroughly investigates citizen, employee, and administrative complaints as directed by the Chief of Police. The Professional Standards Unit is responsible for any other inquiries as directed by the Chief of Police. The Professional Standards Unit reports the results of all investigations to the Office of the Chief of Police. [CALEA 52.1.3]
- 3.2 Investigations conducted by the Professional Standards Unit will be comprehensive in content. Investigations by the Professional Standards Unit will be undertaken immediately upon receipt of an inquiry order from the office of the Chief of Police. The Professional Standards Unit will report only investigative findings and will not offer conclusions or opinions as to the guilt or innocence of the accused member. [CALEA 52.1.3]

4 Public Access

- 4.1 The Professional Standards Unit's goal is to provide positive customer service to assist citizens in resolving problems, and assisting the Department with solutions for providing effective policing services.
- 4.2 The Professional Standards Unit is responsible for routinely reviewing the Professional Standards Unit section of the North Little Rock Police Department website and update educational and contact information as necessary. [CALEA 52.1.4]
- 4.3 The Professional Standards Unit will also receive all Citizen Request Forms, an on-line form where citizens can either file a complaint or commend a member for policing services rendered. The Professional Standards Unit will be responsible for answering Freedom of Information requests by the public pertaining specifically to the members of this Department. [CALEA 52.1.4]

5 Annual Report

- 5.1 The Professional Standards Unit will prepare a statistical report annually for the Office of the Chief of Police which will include the following information: [CALEA 52.1.5]
 - 5.1.1 Numerical total of internal complaints leading to the numerical total of investigations against members of the Department for the past calendar year,
 - 5.1.2 Numerical total of informal complaints leading to the numerical total of investigations against members of the Department for the past calendar year,
 - 5.1.3 Numerical total of complaints for racial bias leading to the numerical total of investigations against members of the Department for the past calendar year,
 - 5.1.4 Numerical total of terminations for the past calendar year,
 - 5.1.5 Numerical total of suspensions for the past calendar year,
 - 5.1.6 Numerical total of subject control reports for the past calendar year,
 - 5.1.7 Numerical total of vehicle pursuits for the past calendar year,
 - 5.1.8 Numerical total of Departmental involved Traffic Accidents for the past calendar year, and the
 - 5.1.9 Numerical total of injuries, both citizens and sworn personnel, who were involved in a subject control incident, Vehicle Pursuit, or Traffic Accident for the calendar year.
- 5.2 The annual report should be completed by April 15th of the calendar year. The report will further be made available for inspection by members of the Department and the public. The report will include any policy or training concerns based on the statistical information in the report. [CALEA 52.1.5]

6 Procedures

- 6.1 Complaints will be routed and assigned in accordance with North Little Rock Police Department Policy Directive 04-02.
- 6.2 The North Little Rock Police Department takes all complaints of racial bias very seriously. Racial bias complaints will be forwarded to the Office of the Chief of Police to be assigned to the Professional Standards Unit for investigation in accordance with North Little Rock Police Department Policy Directives 04-02 and 04-05.
- 6.3 Due to the serious and impacting nature of the cases the Professional Standards Unit investigates, investigators will attempt to complete investigations within thirty working days. [CALEA 52.2.3]
- 6.4 Complex investigations requiring more than thirty working days to complete are subject to an extension with the approval by the Office of the Chief of Police. [CALEA 52.2.3]
- 6.5 The Professional Standards Unit will notify the complainant immediately after a complaint has been assigned by the Office of the Chief of Police. The investigator will advise the complainant their case has been assigned and is being investigated by the Professional Standards Unit. [CALEA 52.2.4.a]
- 6.6 During the investigation, investigators will make periodic contact with the complainant as needed, keeping them advised of any status change of their complaint. [CALEA 52.2.4.b]
- 6.7 The Professional Standards Unit will mail a letter to the complainant at the conclusion of the investigation explaining the decision of the Office of the Chief of Police on the outcome of the investigation. [CALEA 52.2.4.c]
- 6.8 All members involved in a Professional Standards Unit investigation will be treated with courtesy and dignity throughout the investigation.
- 6.9 Investigations of sworn law enforcement officers by the Professional Standards Unit will be governed by the guidelines set forth in North Little Rock City Code Section 58-39 law enforcement officers' bill of rights. [CALEA 52.2.5]
- 6.10 After the completion of a Professional Standards Unit investigation, the involved member will be notified of the disposition in writing by the Professional Standard Unit. [CALEA 52.2.5]

7 Investigations

- 7.1 During a Professional Standards Unit investigation, all members are required to cooperate with investigators to the fullest. All members are required to answer questions truthfully and completely. Deception or hindering an investigation cannot be tolerated and may result in disciplinary action including termination.
- 7.2 Professional Standards investigators may require members submit to certain specific examinations and the express authorization of the Chief of Police will be obtained prior to requiring a member to submit to testing or an examination. Examinations may also be ordered by the Chief of Police and will be conducted at Department expense. Examples include, but are not limited to the following:
 - 7.2.1 **Medical** - Medical examinations must be performed under the supervision of a licensed physician or nurse practitioner. These tests may involve the taking of blood, bodily fluids, removal of body hairs, or the collection of fingernail clippings and scrapings. Reasonable suspicion drug testing will be conducted at a Department approved drug testing laboratory. [CALEA 52.2.6.a]
 - 7.2.2 **Photographs** - Photographs may be taken of a member to show to complainants or witnesses. If photographs are used for identification purposes, they will be presented in accordance with the rules of evidence. [CALEA 52.2.6b]
 - 7.2.2.1 Complainants and witnesses may be photographed for file purposes.
 - 7.2.3 **Line Up** - A member may be required to participate in either a physical or photographic line up. [CALEA 52.2.6.c]
 - 7.2.4 **Psychological** - Only a licensed psychological professional selected by the Department will conduct psychological examinations. The Chief of Police may order a psychological examination to be initiated when a member:
 - 7.2.4.1 Exhibits behavior, which may be indicative of severe emotional disturbance;
 - 7.2.4.2 Receives repeated complaints of a similar nature or;
 - 7.2.4.3 Receives complaints, which are sustained.
 - 7.2.5 **Breath Testing** - Only a breath test operator, certified by the Arkansas Department of Health, will conduct a breath test analysis.
 - 7.2.6 **Documents, Personal Papers, Financial Statements, Electronically Stored Information, and Recordings** - Members may be required to submit information directly related to active investigations. Personnel will comply with lawful orders to produce such information. [CALEA 52.2.6.d]
 - 7.2.7 **Department Owned Property** - Lockers, desks, computers, cell phones, pagers, vehicles, equipment, and facilities assigned to Department members remain the property of the Department.

- 7.2.7.1 Department property as well as privately owned property possessed or used by members while on-duty or on Department premises, or in any Department vehicle.
- 7.2.7.2 Communications and activities in Department facilities may be monitored and recorded.
- 7.2.8 **Searches** - Searches of or on Department owned property will be conducted pursuant to Arkansas State Law.
- 7.2.9 **Polygraph** - Only a certified polygraphist will conduct polygraph examinations. Polygraph examinations may be administered as necessary and their results may be utilized during a Professional Standards investigation. Complaints and witnesses may be requested to submit to a polygraph examination. [CALEA 52.2.6.e]

8 Authority of Chief of Police

- 8.1 The Office of the Chief of Police and/or any supervisor has the authority to relieve any member from duty for the purpose of placing the member on Administrative leave. Examples include but are not limited to: [CALEA 52.2.7]
 - 8.1.1 When a member fails to comply with a direct order from a superior or supervisor.
 - 8.1.2 When it is determined the employee has a physical or mental condition, which might render the employee incapable of adequately performing their duties or performing them in a way as to embarrass or discredit the Department.
 - 8.1.3 Where there is substantial evidence to believe the accused has committed an act or omission of such a serious nature that their continued presence in the Department could create a threat to safety or the integrity of the Department.
 - 8.1.4 If a supervisor, other than the Chief of Police, relieves a member from duty, the supervisor will immediately report to the Office of the Chief of Police through the appropriate Divisional Commander.

9 Personnel Early Warning System

- 9.1 The North Little Rock Police Department realizes a comprehensive Personnel Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and meet the agency's values and mission statement.
- 9.2 The Department's Personnel Early Warning System (IAPro) will provide systematic reviews of specific, significant events involving members. This system is necessary for the Department to evaluate, identify, and assist members who exhibit signs of performance and/or stress-related problems. [CALEA 35.1.9.a]
- 9.3 The Professional Standards Unit is to serve in an ancillary capacity as the Early Warning System Co-coordinator (EWSC).
 - 9.3.1 Each month, the Professional Standards Unit will compile a report examining the instances of employee's involvement in specific incidents. These incidents include but are not limited to:
 - 9.3.1.1 Three pursuits or more reported within a 180 day period.
 - 9.3.1.2 Three or more reported Uses of Force within a 180 day period.
 - 9.3.1.3 Three or more complaints, either internal or external, where a member is named as a primary or ancillary offender, within a 180 day period.
 - 9.3.1.4 Three or more reports of vehicle collisions where a member was one of the operators involved, within a 360 day period.
 - 9.3.1.5 Included in the monthly report will be an overview of reports of injury on duty, sick leave abuse, and any other incident that may affect the performance and safety of members. The information will be gleaned from any available resource within the Department.
- 9.4 The Professional Standards Unit will send EWS follow-up notices to the Division Commander of employees who are involved in targeted incidents, as prescribed in paragraph 9.3 above.
 - 9.4.1 EWS follow-up notices will contain the member's name, event dates, and a brief description of specific incidents.
 - 9.4.2 The Division Commander will direct the affected Unit/Area Commander to conduct a review of the EWS incidents noted.
 - 9.4.3 The review of the specific incidents which prompted the EWS notice will be done in a timely manner, not to exceed one week, unless mitigating circumstances exist.
- 9.5 Unit/Area Commanders will submit their analysis of the review to their Division Commander stating their conclusions and recommendations. [CALEA 35.1.9.e]
 - 9.5.1 The Division Commander will review the analysis for concurrence and forward the analysis to the Professional Standards Unit.
 - 9.5.2 The Professional Standards Unit will include the analysis information in their monthly report, as cited in paragraph 9.3.9.6 Recommendation is, but is not limited to:
 - 9.6.1 No additional action
 - 9.6.2 Informal counseling or corrective action, as appropriate
 - 9.6.3 Formal counseling or corrective actions, as appropriate

- 9.6.4 Formal monitoring utilizing a Performance Improvement Plan
- 9.6.5 Mandatory remedial or additional training designed to improve employees' skills
- 9.6.6 Voluntary or mandatory referral to Employee Assistance for counseling or referral assistance
- 9.6.7 Reassignment
- 9.6.8 Disciplinary action
- 9.7 The Professional Standards Unit will conduct annual evaluations of the EWS in order to advise the Office of the Chief of Police of the system's effectiveness and propose necessary changes. This evaluation is to be completed no later than April 15th of each year. [CALEA 35.1.9.c]
- 9.8 First and second level supervisors will familiarize themselves with their subordinates and routinely observe their demeanor, appearance, and conduct.
Supervisors will remain alert for indications of behavioral changes or stressors that may affect a Department member's performance. When supervisors perceive or determine that a Department member has problems or is causing problems, they will assess the situation and take appropriate action in accordance with this policy directive. [CALEA 35.1.9.d]
- 9.9 The system should keep the agency from being faced with investigating an employee for a serious case of misconduct only to find there was an escalating pattern of less serious misconduct, which could have been abated through intervention.

10 Background Investigations

- 10.1 Professional Standards Unit will conduct thorough background investigations of applicants for positions at the North Little Rock Police Department, North Little Rock District Courts, Office of Emergency Services, and volunteers for the City of North Little Rock who have been recommended for employment by the City of North Little Rock Personnel Department.
- 10.2 Results of the completed background investigations will be forwarded to the appropriate Department head for hiring decisions.
- 10.3 Background Investigative files will be maintained by the Professional Standards Unit in a designated secure Central Index area approved by the Office of the Chief of Police in accordance to current Federal and State law.
- 10.4 The Professional Standards Unit will only release IAPro database information to former employees or former applicants upon the receipt of a properly signed and notarized release form.

11 Drug Testing

- 11.1 The Professional Standards Unit will administer monthly Department random drug testing in accordance with North Little Rock Police Department Policy Directive 20-6.
- 11.2 The Professional Standards Unit will administer unit transfer drug testing in accordance with North Little Rock Police Department Policy Directive 20-06.
- 11.3 The Professional Standards Unit will administer mandatory annual drug testing for all members assigned to the Narcotics Unit, K-9 Unit, and Evidence Control.
- 11.4 The Professional Standards Unit will store records of Department random and unit transfer drug testing in the Professional Standards Unit Central Index.

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