

PROFESSIONAL STANDARDS

PROFESSIONAL STANDARDS UNIT

Purpose: To establish operational authority, policy, and responsibility for the North Little Rock Police Professional Standards Unit to give the department the capacity to respond to professionally and impartially and thoroughly investigate allegations of wrongful exercising of authority by its members to ensure the integrity of the organization, 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 department's integrity. The Professional Standards Unit's goal is to assist citizens in resolving problems, providing information back to the department to help in the departmental goal of continually improving police service.

Summary of Changes:

Definitions

Complaints: Any report of an alleged act or omission by a member involving misconduct or improper performance of duty.

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

Inquiry: An inquiry is a request for information regarding an incident where no misconduct is suspected.

1. Organizational Integrity

1.1 The Professional Standards Unit (PSU) will take complaints following Policy Directive 04-02.

2. Central Index

2.1 The Professional Standards Unit will be responsible for maintaining the central index following Policy Directive 04-02, and PSU will categorize investigative files in the following headings:

- 2.1.1 DI - Divisional Inquiry - 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 PS - Pursuit
- 2.1.4 UF - Use of Force
- 2.1.5 VA - Vehicle Accident
- 2.1.6 AW - Awards
- 2.1.7 EWS - Early Warning System
- 2.1.8 CC - Citizen Complaints
- 2.1.9 CI - Citizen Injuries
- 2.1.10 DT - Drug Tests
- 2.1.11 FD - Firearms Discharge
- 2.1.12 MO - Military Orders
- 2.1.13 OE - Outside Employment
- 2.1.14 PE - Performance Evaluations
- 2.1.15 RF - Referrals
- 2.1.16 PSU - Member's File

- 2.2 The Professional Standards Unit will maintain a record of Equal Employment Opportunity Commission (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 Unit secured central index. [CALEA 26.2.2]
- 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 representing the City of North Little Rock and its legitimate interests.
- 2.4 If, during an investigation, PSU identifies possible needs for training and issues of recruitment and selection procedures, PSU will immediately forward the information to the Office of the Chief of Police.
- 2.5 All complaint files and related records against department personnel and the North Little Rock Police Department will be classified as **CONFIDENTIAL**. The Professional Standards Unit will maintain them in a designated secure central index area approved by the Office of the Chief of Police. [CALEA 26.2.2]
- 2.6 Complaint files, disciplinary actions, and related records will be maintained by the Professional Standards Unit and stored indefinitely. [CALEA 26.1.8]

3. Authorities

- 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 26.2.3]
- 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. It will not offer conclusions or opinions as to the guilt or innocence of the accused member. [CALEA 26.2.3]

4. Public Access

- 4.1 The Professional Standards Unit aims to provide positive customer service to assist citizens in resolving problems and helping the department with solutions for delivering effective policing services.
- 4.2 The Professional Standards Unit is responsible for routinely reviewing the Professional Standards Unit section of the department website and updating contact information as necessary. [CALEA 26.2.4]
- 4.3 The Professional Standards Unit will maintain an online form where citizens can either file a complaint or commend a member for policing services rendered. [CALEA 26.2.4]
- 4.3.1 The form can be downloaded, filled out, and turned over to any on-duty supervisor at any time. Upon request, any department member can access the forms and provide a copy to a citizen.

5. Annual Reports

- 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 26.2.5]
 - 5.1.1 Numerical total of internal complaints leading to the numerical sum of investigations against members of the department for the past calendar year,
 - 5.1.2 Numerical total of external complaints leading to the numerical total of investigations against members of the department for the prior calendar year,
 - 5.1.3 Numerical total of complaints for racial bias leading to the mathematical sum of investigations against members of the department for the previous calendar year,
 - 5.1.4 Numerical total of terminations in the prior calendar year,
 - 5.1.5 Numerical total of suspensions for the prior calendar year,
 - 5.1.6 Numerical total of response to resistance reports for the past calendar year,
 - 5.1.7 Numerical total of vehicle pursuits for the preceding 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 involved a response to resistance incident, vehicle pursuit, or traffic accident for the calendar year.
 - 5.1.9.1 Numerical total of assaults on sworn officers will be reported separate from an injury with no intent to harm an officer.
 - 5.1.10 Numerical total of grievances filed for the preceding calendar year.
- 5.2 PSU should complete the annual report 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 statistical information. [CALEA 26.2.5]

6. Procedures

- 6.1 Complaints will be routed and assigned following the 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 following Policy Directives 04-02 and 04-05.
- 6.3 Due to the serious and impacting nature of the cases, the Professional Standards Unit Investigators will attempt to complete investigations within thirty working days. [CALEA 26.3.3]
- 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 26.3.3]
- 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 26.3.4.a]
- 6.6 During the investigation, investigators will make regular contact with the complainant as needed, keeping them advised of any status change regarding their complaint. [CALEA 26.3.4.b]
- 6.7 The Professional Standards Unit will mail a letter to the complainant after the investigation explaining the decision of the Office of the Chief of Police on the outcome of the investigation. [CALEA 26.3.4.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 outlined in North Little Rock City Code Section 58-39 Law Enforcement Officers' Bill of Rights. [CALEA 26.3.5]
- 6.10 After completing a Professional Standards Unit investigation, PSU will notify the involved member of the disposition in writing. [CALEA 26.3.5]

7. Investigations

- 7.1 During a Professional Standards Unit investigation, all members must 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 to submit to certain specific examinations. PSU will obtain the express authorization of the Chief of Police before requiring a member to submit to testing or an examination. Examinations may also be ordered by the Chief of Police and conducted at the department's 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 taking blood, bodily fluids, removing body hairs, or collecting fingernail clippings and scrapings. Reasonable suspicion drug testing will be conducted at a department-approved drug-testing laboratory. [CALEA 26.3.6.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 following the rules of evidence. [CALEA 26.3.6b]
 - 7.2.2.1 Complainants and witnesses may be photographed for file purposes.
 - 7.2.3 **Audio or Video Recordings** - Interviews conducted as part of an investigation may be recorded using audio or video for later dictation and reference. [CALEA 26.3.6c]
 - 7.2.4 **Line Up** - A member may be required to participate with a photograph for the purpose of a photographic line-up. [CALEA 26.3.6d]
 - 7.2.5 **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:
 - 7.2.5.1 Exhibits behavior, which may be indicative of severe emotional disturbance;
 - 7.2.5.2 Receives repeated complaints of a similar nature or;
 - 7.2.5.3 Receives complaints, which are sustained.
 - 7.2.6 **Breath Testing** - Only a breath test operator, certified by the Arkansas Department of Health, will conduct a breath test analysis.
 - 7.2.7 **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 26.3.6.e]

- 7.2.8 **Department Owned Property** - Lockers, desks, computers, cell phones, pagers, vehicles, equipment, and facilities assigned to the department members remain the department's property.
- 7.2.8.1 Department property and privately owned property, possessed or used by members while on-duty or on department premises or in any department vehicle.
- 7.2.8.2 Communications and activities in department facilities may be monitored and recorded.
- 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 Unit investigation. Complaints and witnesses may be requested to submit to a polygraph examination. [CALEA 26.3.6.f]

8. Authority of Chief of Police

- 8.1 The Office of the Chief of Police or any supervisor has the authority to relieve a member from service for administrative leave. Examples include but are not limited to: [CALEA 26.3.7]
- 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 severe nature, their continued presence in the department could create a threat to safety or the department's integrity.
- 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 department realizes a comprehensive personnel early warning system (EWS) 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 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 or stress-related problems. [CALEA 35.1.9.a]
- 9.3 The Professional Standards Unit serves as the EWS Coordinator (EWSC).
- 9.3.1 Each month, the Professional Standards Unit will compile a report examining the employee involvement in specific incidents. These incidents include but are not limited to:
- 9.3.1.1 Six or more reported uses of force within 60 days.
- 9.3.1.2 Three or more complaints, either internal or external, where a member is named as a primary or ancillary offender, within 180 days;
- 9.3.1.3 Three or more at fault vehicle collisions within 360 days. [CALEA 35.1.9b]
- 9.3.1.4 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. [CALEA 35.1.9d]
- 9.4 The Professional Standards Unit will send EWS follow-up notices to the Division Commander of employees involved in targeted incidents, as prescribed in paragraph 9.3. [CALEA 35.1.9c]
- 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 review of the EWS incidents noted.
- 9.4.3 The review of the specific incidents which prompted the EWS notice will be done promptly, 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.
- 9.5.1 The Division Commander will review the analysis for concurrence and forward the analysis to the Professional Standards Unit.
- 9.6 The Professional Standards Unit will include the analysis information in their monthly report, as cited in paragraph 9.3.1 recommendation is, but is not limited to:
- 9.6.1 No additional action
- 9.6.2 Informal counseling or corrective remedial action, as appropriate [CALEA 35.1.9g]
- 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 [CALEA 35.1.9h]

9.6.7 Reassignment

9.6.8 Disciplinary action

9.7 The Professional Standards Unit will conduct annual evaluations of the EWS 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.e]

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 a department member has problems or is causing problems, they will assess the situation and take appropriate action following this policy directive. [CALEA 35.1.9.f]

9.9 The system should keep the agency from being faced with investigating an employee for a serious case of misconduct only to find 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, District Courts, Emergency Services, and volunteers for the City of North Little Rock, who have been recommended for employment.

10.2 Results of the completed background investigations will be forwarded to the appropriate department head for hiring decisions.

10.3 Background investigative files for North Little Rock Police employees will be maintained by the Professional Standards Unit in a designated secure central index area approved by the Office of the Chief of Police per current Federal and State law.

10.4 The Professional Standards Unit will only release Central Index database information to former employees or former applicants upon receiving a signed and notarized release form.

11. Drug Testing

11.1 The Professional Standards Unit will administer monthly department random drug testing per the department Policy Directive 20-6.

11.2 The Professional Standards Unit will administer unit transfer drug testing following the 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 Unit.

11.4 The Professional Standards Unit will store records of departmental random and unit transfer drug testing in the Professional Standards Unit Central Index.

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