



Oregon Police Department Policy and Procedure Manual

Internal Affairs

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I. PURPOSE

The purpose of this policy is to establish and define the internal affairs function of the Oregon Police Department and to identify the purpose and procedures for conducting investigations of complaints against the agency or its employees.

II. POLICY

It is the policy of the Oregon Police Department to ensure that the integrity of the department and its employees is maintained. This shall be accomplished through an internal system of investigation and review founded on objectivity, fairness and justice. Such investigations will be conducted in a fair manner consistent with the rights of all concerned and aimed at determining the truth. This internal investigative process shall be invoked for all complaints against the department or its employees.

III. DISCUSSION

It is crucial for the community to have confidence in its local police department. The internal affairs function is important for the maintenance of professional conduct. The ability of an agency to perform can depend on the personal integrity and discipline of each employee. The community will rightfully form a negative opinion of the department if it does not properly respond to allegations of misconduct.

The department encourages citizens to bring forward legitimate complaints regarding misconduct by employees. It also recognizes

that malicious and false accusations are sometimes made. Nevertheless, all accusations must be properly investigated to protect the integrity of the agency and employees.

IV. DEFINITIONS

- A. Procedural Complaint: A complaint based on actions that, if performed properly, are acceptable according to legal guidelines and/or department policy. Procedural complaints, if sustained, could result in disciplinary action of an appropriate level.

- A. Minor Misconduct Complaint: A Complaint based on allegations of minor misconduct by employees of the department. Minor misconduct complaints, if sustained, could result in disciplinary action ranging from verbal admonishment to limited suspension.

- B. Serious Misconduct Complaint: A complaint based on allegations of serious misconduct by employees of the department or repeated acts of minor misconduct. Serious misconduct complaints, if sustained, could result in disciplinary action to include significant suspension, reduction in rank, dismissal, or criminal charges. Examples of serious misconduct include, but are not limited to the following:
 - 1. Dereliction of duty
 - 2. Inappropriate or excessive force
 - 3. Breach of civil rights
 - 4. Exhibition of bias or harassment
 - 5. Untruthfulness under oath, during an investigation, in a police report or about official matters
 - 6. Insubordination
 - 7. Misuse, theft of time
 - 8. Abuse of position, authority, or access to confidential information
 - 9. Unbecoming conduct
 - 10. Repeated acts of minor misconduct
 - 11. Commission of a felony or serious misdemeanor
 - 12. Corruption
 - 13. Solicitation of gifts or gratuities
 - 14. Failure to report others who commit serious misconduct

- C. Supervisory Inquiry: A meeting between supervisory personnel and an employee who has become the subject of a procedural or minor misconduct complaint for the purpose of determining

the facts and the appropriate form of resolution.

- E. Preliminary Investigation: A fact-finding process designed to assist the receiving supervisor in determining whether a complaint should be categorized as procedural, minor misconduct or serious misconduct.
- F. Internal Investigation: A formal investigation of an employee who has become the subject of a serious misconduct complaint. The process of investigation into alleged acts of misconduct that, if sustained, could result in disciplinary action to include formal reprimand, suspension, dismissal, reduction in rank, or criminal charges.
- G. Criminal Investigation: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

V. PROCEDURE

Internal Affairs

1. All citizen complaints are readily accepted and fully and promptly investigated. All complaints of employee misconduct shall be accepted from persons who wish to file a complaint regardless of the hour or day of the week. This includes reports from anonymous sources, juveniles and persons under arrest or in custody.

A member of the command staff, if available, should accept complaints. If a member of the command staff is not available, supervisory personnel should accept complaints, and if no supervisory personnel are available, complaints should be accepted by any law enforcement officer.

- a. Complaint should be obtained in written format; preferably on a citizen complaint form, which should be completed by the complainant.
- b. Even if the citizen is satisfied with an informal resolution, the process should be recorded on a citizen complaint report form. Regardless of the means of resolution, the integrity of the internal affairs process, particularly the receipt of citizen complaints, demands that all citizen

complaints and inquiries be uniformly documented for future reference.

- c. The personnel receiving the complaint will explain the department's internal affairs procedure, and provide the complainant with a citizen complaint brochure.
 - d. If a person comes to our department to make a complaint about a member of another law enforcement agency, he or she should be referred to that agency.
 - 2. In cases where the complainant is under the influence of alcohol or narcotic which renders them incapable of providing tangible or factual information the individual will be provided a citizen complaint brochure and asked to return the following day. In such cases, as possible, the complainant will be identified. The information will be forwarded to the appropriate bureau commander to apprise him/her of the information.
 - 3. The Lieutenant shall be responsible for investigating allegations of serious misconduct by department employees, monitoring the investigation of procedural and minor misconduct complaints, and maintaining records of all complaints against the agency and its employees.
 - 4. The Lieutenant may select other Department employees to assist with conducting investigations.
- A. Authority and Responsibility regarding Internal Affairs
- 1. Individual Responsibility
 - a. Each employee shall perform his/her duties and assume the obligations of their rank in the investigation of complaints or allegations of misconduct against any department member.
 - b. Each employee shall cooperate fully with the Lieutenant or any other member conducting such an investigation. No employee may, in any way, interfere with the official investigation of any personnel complaint.

- c. Any employee who becomes aware of behavior constituting a procedural infraction, minor misconduct or serious misconduct shall immediately report the matter to a supervisor. Supervisory personnel shall proceed as directed under section 3 below.
 - d. Upon the request of the Lieutenant or other member conducting such an investigation or informal inquiry, an employee shall be required to submit a written report on the matter.
2. Non-Supervisory Personnel
- a. When misconduct is observed or complaints of misconduct are received by non-supervisory personnel, such members shall notify a supervisor of the matter as soon as practical.
3. Supervisory Personnel
- a. When misconduct is observed or complaints of misconduct are received by a supervisor, that person shall initiate a preliminary investigation into the matter in accordance with this policy.
 - b. In some cases, a complaint is based on a misunderstanding of accepted law enforcement practices or the duties of the officer or civilian personnel. Supervisors are authorized to informally resolve minor complaints, whenever possible, at the time the report is made. If the complainant is not satisfied with such a resolution, the supervisors shall proceed with the written complaint process. The process of informally resolving and documenting internal affairs complaints requires the exercise of discretion by supervisors.
 - c. Upon initiation of the investigation, the initiating supervisor shall notify the Lieutenant as soon as practical.
 - d. Supervisory personnel shall complete a thorough investigation when directed to do so by the Lieutenant.

- e. All employees shall maintain the confidentiality and security of internal affairs records and investigations.
 - f. Upon completion of an investigation, a supervisor may make a recommendation to the Lieutenant or the Chief of Police regarding final disposition of the matter.
4. Lieutenant
- a. The Lieutenant shall record, register, and control the investigation of all complaints against department personnel.
 - b. The Lieutenant shall conduct investigations of alleged or suspected misconduct within the department or assign the investigation to another supervisor. If assigned to another supervisor, the Lieutenant shall supervise and control the investigation.
 - c. The Lieutenant shall apprise the Chief of Police of the existence, progress, and final outcome of each internal investigation.
 - d. The Lieutenant shall maintain the confidentiality and security of internal investigations and internal affairs records.
 - e. Upon conclusion of an investigation, the Lieutenant shall make a recommendation to the Chief of Police regarding final disposition of the matter.
 - f. The Lieutenant shall serve on the Use of Force Review Team as a resource to ensure continuity in situations where concurrent investigations of a single incident are being conducted according to guidelines established in FORCE and INTERNAL. The Lieutenant may also convene the Use of Force Review Team for the purpose of reviewing an internal affairs investigation based upon "use of force" that does not automatically fall under the jurisdiction of the review team.

5. Chief of Police

- a. The Chief of Police shall review recommendations for disciplinary action and will take such action as he/she deems appropriate.
- b. Nothing in this policy diminishes the authority of the Chief of Police to order suspensions, terminate temporary or probationary employees, or to file charges with the Police Commission irrespective of recommendations made by subordinates.

B. Citizen Complaint Report

1. Personnel complaints may originate from any source, including citizens, other civilian or police officials or department personnel.
2. For each complaint against the department or its employees, the receiving supervisor shall complete a Citizen Complaint Report (**Annex A**) and forward copies to the Lieutenant. The receiving supervisor and/or the Lieutenant will advise the citizen that the complaint was received and will be processed.
3. The Lieutenant shall use the Citizen Complaint Report to determine further action regarding the complaint. In situations where the complaint can be immediately resolved through an informal inquiry, the report shall serve as the only record of the complaint.
4. The Lieutenant shall maintain a file of all Citizen Complaint reports. A summary of all complaints filed against the department and its employees shall be compiled on an annual basis.
5. The Citizen Complaint Report shall include:
 - a. Name and contact information of the person making the complaint, if known.
 - b. Name of the employee(s) involved, if known, or action/policy/procedure in question.
 - c. Date/time/location of the incident and when the incident is being reported.

- d. Specific details of the complaint, including any related incident numbers, written and/or verbal statements and any audio or visual recordings.
- e. Receiving supervisor's assessment as to the validity of the complaint.
- f. Supervisor's recommendations on subsequent actions.
- g. Final disposition (to be completed upon conclusion of the informal inquiry or internal investigation).

C. Complaint Investigation

- 1. All complaints against the department or its employees, including those received in a written or verbal format, through the Village website or anonymously, will be courteously received and thoroughly investigated.
- 2. Upon receipt of the complaint and completion of the Citizen Complaint Report, the receiving supervisor shall initiate a preliminary investigation into the matter, to include requesting a written statement from the complainant. The supervisor shall also take any action that may be immediately required.
- 3. During the preliminary investigation, the receiving supervisor shall determine whether the complaint is based on procedure, minor misconduct, or serious misconduct and whether the complaint would best be resolved through an informal inquiry, internal investigation, or criminal investigation.
- 4. Procedural and minor misconduct complaints will generally be handled through the chain of command. The supervisor may also request the assistance of the Lieutenant.
 - a. These complaints may be addressed through either informal inquiry or internal investigation. The internal investigation option shall be pursued if it appears that the allegations, if sustained, could result in discipline greater than a letter of reprimand.
 - b. Upon completion of the investigation, the supervisor shall forward a copy of the Citizen

Complaint Report containing the final disposition to the Lieutenant. This report shall be included in the internal affairs files.

5. Serious misconduct complaints shall require notification of the Lieutenant as soon as such notification is practical. Upon reviewing the complaint, the Lieutenant shall either conduct the internal investigation or assign the investigation to another supervisor. When the investigation is assigned to another, the Lieutenant shall supervise completion of the investigation.
 - a. The Lieutenant shall also consider whether the alleged misconduct should result in a criminal investigation. The criminal investigation may be done internally or, with the approval of the Chief of Police, by an outside investigative agency.
 - b. The Lieutenant shall insure that a liaison is maintained with the district attorney's office in investigations involving alleged criminal conduct on the part of an employee.
 - c. During the course of a criminal investigation, the Lieutenant shall provide regular status reports to the Chief.
6. When the employee is notified that s/he is the subject of an internal investigation s/he shall be provided a written statement of the allegations and his/her rights and responsibilities relative to the investigation.
7. Serious consideration shall be given to the likelihood that criminal charges and/or department disciplinary action are possible outcomes of the investigation.
 - a. If there is any chance criminal charges may be sought, the criminal investigation will be handled first or simultaneously with the internal investigation that will be handled by a separate investigator/command staff member than the criminal investigation.
 - b. Personnel who are handling the independent internal and criminal investigations will not share information. This will enable the detective to ensure that the involved employee

is extended all rights afforded by the situation.

8. Absent exigent circumstances investigations shall be completed within 30 days of the receipt of the complaint. During the investigation, weekly status reports shall be submitted to the Lieutenant. The final outcome of every internal investigation shall be reported to the Lieutenant for inclusion in the internal affairs files. If the completion is delayed beyond 30 days, the complainant will be contacted and advised of the status of the investigation.
9. Upon conclusion of the investigation, the Lieutenant shall ensure the complainant is advised of the final outcome of the internal investigation.

E. Complaint Adjudication

1. The Lieutenant will classify completed internal investigations using the following guidelines.
 - a. Unfounded: Investigation indicates that the allegations are false.
 - b. Not sustained: Insufficient evidence to either prove or disprove the allegations.
 - c. Sustained: The allegations are supported by sufficient evidence to conclude they are true.
 - d. Exonerated: Investigation indicates that the incident occurred, but was justified, lawful, and proper under the circumstances.
 - e. Policy failure: The investigation reveals that the allegations are true; however, the employee was acting in accordance with established department policy.
2. A letter should be sent to the complainant explaining the outcome of the investigation.

If the investigation resulted in a sustained allegation with discipline, the letter should simply state that the allegation was sustained and that the officer has

been disciplined according to department procedures. It is not necessary to specify the discipline imposed.

3. All completed investigations will be maintained in the department's internal affairs files. At the discretion of the Chief of Police, internal affairs files may be maintained for a period of five years.

F. Investigative Tools and Resources

1. Employees may be asked to submit to medical, ballistics, chemical, other tests, photographs, video and photo lineups as part of the internal investigation.
 - a. All personnel shall be required to submit to a polygraph examination when ordered to do so by the Chief of Police and when the examination is specifically directed and narrowly related to a particular internal investigation being conducted by the department in accordance with § 111.37(5)(a), Wis. Stats.
 - b. When a citizen complaint is the basis for an investigation, employees shall not be required to submit to a polygraph unless the complainant first participates in a like examination.
 - b. No employee shall be compelled to submit to a polygraph examination if, at any time, the detective determines the investigation is likely to result in criminal charges being preferred against the employee under investigation.
 - c. A department employee may be required to submit to a test for alcohol or drug use while on duty in accordance with department rules.
 - d. When ordered by the Chief of Police, an employee shall be required to participate in a line-up for the purpose of identifying an employee accused of misconduct. No employee shall be compelled to submit to a line-up if, at any time, the detective determines the investigation is likely to result in criminal charges being preferred against the employee under investigation. A line-up process may be compelled for the purpose of an internal

investigation, independent and completely separate from any criminal investigation.

- e. When ordered by the Chief of Police, employees shall be required to submit to any additional medical and laboratory examinations that are specifically directed and narrowly related to an internal investigation of the employee's performance or fitness for duty.
- f. Whenever an employee is ordered by the Chief of Police to undergo a medical or laboratory examination as a condition of his or her employment, the examination will be provided at no cost to the employee.
- g. If it is determined the investigation is likely to result in criminal charges against the employee being investigated, they should confer with legal counsel before proceeding under this section.

2. Financial Disclosure Statements

- a. When ordered by the Chief of Police, an employee shall be required to make financial disclosure statements when such statements are directly and narrowly related to an internal investigation.
- b. If the Lieutenant determines the investigation is likely to result in criminal charges against the employee being investigated, they shall confer with legal counsel before proceeding under this section.
- c. If there is a chance that criminal charges could be sought, the information will be forwarded to the independent investigator to ensure the two investigative processes remain completely independent.

G. Rights of Employee under Internal Investigation

- 1. When an employee is notified that s/he has become the subject of an internal investigation, the employee shall be provided a written statement of the allegations and his/her rights and responsibilities related to the investigation.

2. The rights of an employee under investigation shall be determined by the nature of the investigation. Rights associated with an administrative investigation differ from those associated with a criminal investigation.
3. During an investigation for strictly administrative purposes, an employee may be compelled to answer questions directly related to his/her official duties. Answers received in such a manner may not be used in a criminal proceeding involving the employee. Prior to any questioning, the employee shall be read the appropriate "Informing the Employee" form. **(Annex B)**
4. The following guidelines apply to an interview during an investigation for strictly administrative purposes.
 - a. The purpose of the investigation is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceeding resulting in reprimand, demotion, suspension or dismissal.
 - b. All questions asked of the employee under investigation that are specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
 - c. No Miranda rights are required.
 - d. The employee has no sixth amendment right to counsel.
 - e. At the request of an employee under investigation, he or she may have a representative of his or her choice present during any interview.
 - f. The Wisconsin Police Bill of Rights applies and will be adhered to.

H. Rights of Employee under a Criminal Investigation

1. During a criminal investigation involving an employee that is likely to result in criminal charges being brought against the employee, the employee shall be afforded rights consistent with a standard criminal investigation prior to any interview with the accused

employee.

- a. Advise the employee of his/her Miranda rights.
- b. Advise the employee that if s/he asserts his/her rights not to answer questions, no adverse administrative action will be taken based upon the refusal.
 - (1) If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.
 - (2) In order to assure that the department actions can't be construed as coercive, the request for an attorney will be granted even if the employee has not yet been criminally charged or had their freedom of action deprived.

I. Status of employee Under Investigation

1. Administrative leave from duty

- a. If the alleged misconduct is of a serious nature, or the employee does not appear fit to continue performing official duties, the supervisor shall place the employee on administrative leave with pay and provide the employee with instructions for reporting to the department. The Chief of Police may assign the employee under investigation to administrative duties pending the conclusion of the internal investigation.
- b. If the alleged misconduct is of such a serious nature that the best interest of the department would be served by the employee being relieved from duty, the supervisor shall place the employee on administrative leave with pay.
- c. Before placing the employee on administrative leave, the supervisor shall consult with the Lieutenant or Chief. If an administrator is not available, the supervisor should order the leave and then notify the administration as soon as possible.

- d. When placed on administrative leave, the supervisor shall:
 1. Provide the employee with a copy of "Rules While on Administrative Leave." **(Annex C)**
 2. Take possession of the employee's department issued equipment specifically department issued weapons, radio, badge, access key and department ID.
 3. Administrative suspension with pay may continue pending the outcome of an investigation if the Chief of Police deems it in the best interest of the department and the community.
 4. An employee placed on administrative leave will be ordered to contact the Lieutenant or the Chief within 24 hours for duty instructions.

J. Disciplinary Guidelines

1. Employees of the Oregon Police Department are subject to disciplinary action for the commission of any act that is prohibited, or the omission of any act that is required. Non-compliance with any rule or regulation, policy, administrative directive, law or ordinance may result in disciplinary action.
2. Discipline and/or remedial training is a means of improving employee effectiveness, productivity, and performance. Disciplinary action should be based on fairness to the employee and to the Department. Discipline should also be administered in a fair and consistent manner with regard to the rights of all concerned.
3. All supervisors of the Oregon Police Department are vested with the authority to take immediate action regarding infractions of rules, regulations, and policies by subordinates. Supervisors may also recommend formal discipline and/or remedial training for any subordinate.

K. Types of Discipline

1. Counseling: Any supervisor or any member acting in such capacity, may exercise the prerogative of immediate

correction or admonishment of a subordinate whenever the nature or circumstances of an incident may not warrant a written reprimand or any other formal disciplinary action. The supervisor may also initiate and/or recommend appropriate remedial training with a goal of improving employee performance.

A supervisor may also choose to note the problem for use in the officer's semi-annual evaluation. (Refer to evaluation policy (**EVALUATE**)). If the application of immediate correction or admonishment is not effective, or if the violation represents a repeated or more serious problem, the supervisor may recommend various other forms of discipline.

2. **Written/Oral Reprimand:** Reprimands are used for various minor infractions and do not necessarily require either an internal or a formal investigation. A formal reprimand is imposed by the Chief of Police or his/her designee. Before a reprimand is imposed, a review will be made of previous discipline. If this review indicates repeated infractions of a similar nature, more serious forms of discipline may be administered.
3. **Suspension without Pay:** Suspension without pay is a period of time during which an employee's salary is withheld for disciplinary reasons. Supervisory personnel may recommend a suspension, but only the Chief of Police has the right to impose such discipline and to set the severity of the suspension.

Suspension is reserved for a serious violation and/or repeated minor infractions of a similar nature. Suspension without pay is not to be confused with a member being relieved of duty with pay, pending an investigation or bringing of formal charges.

If employee misconduct results in suspension, the employee shall be provided with the following information:

- d. A statement citing the reason for the suspension,
- e. The effective date of the suspension,
- f. Employee's rights to appeal and hearing rights in accordance with statute 62.13.

d. The President of the Police Commission and the Chief of Police will be immediately notified in event the suspension is appealed.

4. Dismissal/Demotion: Dismissal is an involuntary separation of a member of the Oregon Police Department. Demotion is a transfer of a member from a position in a higher grade to a position in a lower grade. Dismissal and demotion are reserved for a particularly serious violation and/or repeated violations of a similar nature.

Demotion and dismissal must be with the approval of the Oregon Police and Fire Commission. These disciplinary procedures are in accord with the provisions of WI State Statute 62.13.

5. Notices of disciplinary action will be maintained in the employee's personnel file.

L. Employee Dismissal

1. If employee misconduct results in dismissal, the employee shall be provided with the following information:
- a. A statement citing the reason for the dismissal.
 - b. The effective date of the dismissal.
 - c. A statement of the fringe and retirement benefits after dismissal.
 - d. A statement as to the content of the employee's employment record relating to the dismissal.

M. Appeal Procedures

Employees wishing to appeal the outcome of any internal investigation may do so according to established grievance procedures when applicable and/or via statutory procedures as specified in ss. 62.13, Village of Oregon Handbook or their current collective bargaining unit.

N. Release of Information

1. Each personnel complaint will be registered with a unique number, documented on the complaint form, filed and maintained by the Lieutenant.
2. During the course of an internal investigation the department will not identify any member under investigation. Upon conclusion of a supervisory inquiry or internal investigation, the department will not release the identity of an employee named in a personnel complaint without cause.
3. The Lieutenant shall ensure confidentiality by maintaining a secure file of all personnel complaints.
4. On an annual basis, the Lieutenant shall prepare a summary of internal affairs activities for dissemination to interested parties and monitor for trends among employees.

ANNEX A

Oregon Police Department
Citizen Complaint Form

Complainant

Address: _____ Telephone (H): _____

Name: _____ Telephone (W): _____

City: _____ State: _____ Date: _____ Time: _____

Name / Badge # of Officer(s) involved

#1: _____ #2: _____

#3: _____ #4: _____

Description of Incident

Type of Complaint: _____ Officer or _____ Department and/or Policies

Date of Occurrence: ____ / ____ / ____ . Time of Occurrence: _____

Incident Location: _____

Specific Complaint: _____ Officer's Actions at scene. _____ Officer's Attitude at scene.

Officer. _____ Officer's Appearance. _____ Excessive Force by

_____ Inadequate or Unreasonable Departmental Policy .

_____ Other Complaint (specify on Written Statement form)

Were you arrested and/or issued a citation? _____ Yes _____ No

Are you willing to complete a detailed written statement form? _____ Yes ___ No

Witness Information (name/address/phone)

1). _____

2). _____

Complainant Signature

I have reviewed and understand the complaint procedure form, and hereby make this complaint as stated in the enclosed statement form against the Department or an Officer. I certify that the information contained in this complaint is true and accurate, and I also understand the provisions of WI State Statute Sec. 949.66.

Signature of Complainant: _____ Date: _____ Time: _____

Received By Ranking Officer

Received By: _____ Date: _____ Time: _____ Signed: _____

ANNEX B

Oregon Police Department

Notice of Complaint Against Officer

Officer Involved: _____

Date of officer Notification: _____ Citizen Complaint Received On: _____

Case # of Incident: _____ Date of Incident: _____ Time: _____

Incident Location: _____

Type of Complaint: _____ Procedural _____ Minor Misconduct _____ Serious Misconduct

Type of Investigation: _____ Internal Investigation _____ Criminal Investigation

Complainant Information

Name of Complainant: _____

Address: _____ City: _____ State: _____ Zip: _____

Witnesses: #1 _____ #2 _____

Officers Rights

1). Interview Documentation Rights: (a) If the interview is documented by one or more tape recorders, you will be provided with a copy of the tape. (b) If the interview is documented by a certified court reporter, a copy of the transcript will be provided to you.

2). Representation Rights During Investigatory Interviews:

A. Pursuant to Sec. 164.02 Wis. Statutes, a law enforcement officer shall:

- (1) Be informed of the nature of the investigation prior to interrogation
- (2) upon request, may be represented by a representative of his/her choice during the interrogation

B. Pursuant to Weingarten v. NLRB, 420 U.S. 251 95 (1975), employees (officers) represented under a collective bargaining agreement are entitled to union representation during an interview where the employee (officer) is compelled to answer questions.

3). Fifth Amendment Rights: (a) Pursuant to Garrity v. NJ 385 U.S. 493 (1975), when an employee (officer) is compelled to answer questions, the department shall advise the employee (officer) that nothing he/she says may be used in a criminal proceeding.

4). Officers Right to Pursue False Accusations: It is recognized that at times complaints filed against an officer may be malicious and false in nature. As private citizens, officers may pursue a civil action against the accuser, solely at their discretion, and without interference or the assistance of the department. If such an action is initiated, the officer must do so while off-duty and not within the scope of their duties as a police officer. This department will not, under any condition(s), encourage or in any way endorse such an action on behalf of the officer.

Oregon Police Department

Administrative Investigation Rights

Advisement to Officer Prior to Questioning

The intent of this notification is to advise you that you will be asked questions as part of an official investigation being conducted by this department. The questions asked of you will be specifically and directly related to the performance of your official duties as a police officer, and your ability to hold this position. You are entitled to all the rights and privileges provided by the laws and constitution of this state and the Constitution of the United States of America, including your right against self-incrimination. I also wish to advise you that should you refuse to answer these questions of, or testify to the performance of your official duties or fitness for duty, you will be subject to departmental charges involving Insubordination, which could result in your dismissal from this agency. If you do answer, neither your statements nor any information or evidence which is gained by these statements can be used against you in any subsequent criminal proceeding. These statements may, however be used against you in any subsequent departmental charges or proceedings.

Certification

I certify that I have read the above advisement to

_____ on _____
 Member Date

_____ Time Location

Ranking Officer _____
 Signature

Acknowledgement

I have been given the above advisement by

_____ on _____
 Ranking Officer Date

_____ Time

Officer _____
 Signature

Witness / We have witnessed the above advisement:

Signed _____

Signed _____

ANNEX C

RULES WHILE ON ADMINISTRATIVE LEAVE

Date: (Date of Issuance)

To: (Employee's Name)

From: (Issuing Supervisor)

Subject: Rules while on Administrative leave

By way of this letter, I am informing you that effective (date of issuance) you are hereby placed on Administrative Leave with pay. This decision is based on the seriousness of recently reported allegations of (describe misconduct allegations or fit-for-duty) occurring on (date and location of incident).

An internal investigation into this matter will be conducted. The investigation is a fact-finding process to determine the truth. The facts obtained may exonerate you or may be used in disciplinary proceeding in resulting in reprimand, demotion, suspension or dismissal.

While on administrative Leave you must comply with the following rules:

1. You are not authorized to perform any official duties as a law enforcement officer, to including conducting any official police business over the telephone. Additional restrictions include:
 - a. You shall not go armed with a firearm. Should you witness a violation of the law that you feel requires a law enforcement officer to investigation, you should contact the department or the corresponding emergency communications dispatch center to report the matter.
 - b. If you are contacted at home or while out in the community by a person who requests your assistance or advice about a law enforcement matter, you should refer them directly to the department and not become involved.
2. You are required to turn in department issued equipment, such as your identification card, badge, department issued weapons, facility keys, police radio, and any specialized equipment if not stored and maintained with the policy

facility. The above-mentioned equipment may be stored in your locker for safekeeping.

3. You are required to report by telephone to (name supervisor(s)) on a daily basis and be available for a telephone call at your residence between the hours of 8:00am and 10:00am from Monday through Friday, unless alternative arrangements are approved.
4. You are required to check your department voice-mail on a daily basis and report any requests for service to your supervisors.
5. You must notify your supervisors of any subpoena you receive that mandates your appearance in court during the Administrative Leave period.
6. You are not permitted in the secure areas of the police department, unless accompanied by a supervisor.

If you have any questions please see or call me at any time.

Cc: Chief of Police
Lieutenant
Patrol Sergeant