

# *Growing Public Integrity (Before your Integrity Goes on Public Trial)*



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PRESENTED BY  
REM MANAGEMENT SERVICES, INC.  
P4 GLOBAL LLC



# What Usually Gets PDs in Trouble?

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**Personnel** – we hire or keep the wrong people

**Supervision**- we promote the wrong people, don't train supervisors, don't hold them accountable

**Equipment and Technology**- not enough or misused

**Training**- not documented properly, people not being held accountable for what they've learned

**Policy & Procedure**- out of date, contradictory, not enforced

# Personnel Issues

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**Our difficulties seem to lie in one or more of the following:**

- **Our Background Investigations aren't done well**
- **We don't use the Probationary Period as it is designed**
- **We don't address minor misconduct effectively**
- **When we discipline, we sometimes don't take the right approach toward "repeat offenders"**
- **We sometimes don't send the right message to personnel**

What is the #1 Issue in 2017 with regard to *Police vs The Public*?

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***A Perceived Lack of  
Transparency***

# How do we demonstrate Transparency?

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In many cases it is as simple as letting people know why we do things the way we do them

Attendance at Public Gatherings to answer questions

Establishing “Citizen’s Police Academy” or similar programs

Making yourself and your Command staff accessible and open to people – *and making sure that they know how important it is*

# When Transparency is Most Critical

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**Very High-Profile Incidents**

**When Deadly Force is Used**

**When Allegations of Misconduct are Publicized**

**And most importantly....**

***When someone wants to complain about the actions of a member of the Department***

# Our Shared Philosophy

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- ▶ Citizens deserve the most professional law enforcement services possible, and when the high standards that we set for ourselves are alleged to have not been met, ***these allegations need to be thoroughly investigated.***
- ▶ Police Officers deserve ***fair and impartial treatment*** when these matters are investigated, with no pre-conceived ideas or assumptions until the investigation is concluded.

# Why Do People Complain?

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**People don't like being told what to do**

**People don't like their freedom of movement restricted**

**And the number one reason:**

**People don't like to be told that they are wrong or that they made a mistake**

# Why Do People Complain?

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In many cases, people are merely looking for a place to *vent their anger*, and sometimes the simple act of *hearing them out* causes them to re-think their desire to even *file* a complaint

# Why Do People Complain?

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For these types of people, the important issue here is that they be **given the opportunity to file the complaint**

# Why Take Complaints?

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*Most PDs have a General Order that states:*

***“The \_\_\_\_\_ Police Department investigates all complaints or allegations of misconduct against employees.”***

# Why Take Complaints?

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Some PDs, especially CALEA PDs, also include:

*“The \_\_\_\_\_ Police Department **posts procedures** to be followed to register a formal written complaint against the Department, or any of its employees, **in the front lobby** area of the Police Station **for public viewing and review.**”*

# Why Take Complaints?

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And if you don't already have it, here's a suggestion for a policy:

- *“Supervisors will immediately provide persons wishing to file a formal complaint against any employee a copy of a current complaint form, **by any means practical.**”*

# Why Take Complaints?

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And if you don't already have it, here's another suggestion for a policy:

***“Complaint filing information has been disseminated to all Department employees so that they may advise a complainant of the complaint process.”***

# Why Take Complaints?

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**All we've got going for us is our credibility with the public, and without that we have no chance of getting our jobs done**

**If PDs didn't take complaints on their employees, where would the legitimate complainant have to go?**

# Why Take Complaints?

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**If a member of your Family were the recipient of some type of inappropriate conduct from a Police Officer or other employee, wouldn't you want them to have an opportunity to complain about the incident and have it investigated?**

# Anonymous Complaints

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When an investigating supervisor receives an anonymous unsubstantiated complaint, in person or by telephone, **the supervisor should document the complaint** and forward the documentation to the appropriate Command Officer

# Anonymous Complaints

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Although taking UPODA into account, we can't actually ***“Investigate and Discipline”*** based on an anonymous complaint, we do need to do an ***“Initial Inquiry”*** to determine if the anonymous complaint is based in fact or frivolous

If it is based in fact, we need to take steps to see that it doesn't happen again

## Web sites & anti-police organizations

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There are organizations such as the “Police Abuse Forum” that routinely approach PDs and request information regarding the complaint process

PDs that refuse to allow complaints to be filed are subject to extensive criticism and sometimes legal action

# The Police Abuse Forum

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***“We operate a nonprofit organization that investigates police misconduct nationally.***

***We often stop to monitor how citizens are being treated by officers and we use video cameras to record the interaction and to capture any inappropriate behavior or abusive conduct”***

# The Police Abuse Forum

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***“We take due caution in considering how close to approach and whether our conduct could be construed as interfering with an investigation.***

***We take careful steps to avoid doing anything that would interfere with the officers performing their duties”***

# LA County Sheriff's Dept.

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LASO Marina Del Rey station:

***“the desk sergeant came out to the counter and when our investigator requested a complaint form from one of his deputies he told him to get his “ass” out of the station or he would “make up a charge” and arrest him”***

# LA County Sheriff's Dept.

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*The second time our investigator enters the station, the sergeant says he can have a complaint form.*

*The sergeant then leaves the desk, supposedly to get a complaint form.....*

# LA County Sheriff's Dept.

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*“The sergeant then crept around the side of the police station and entered the front door behind our investigator. Surprised, our investigator was shoved forward into the counter. “*

# The Bottom Line...

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**Just because someone asks for a complaint form doesn't mean that they intend to file one**

**Just because someone files a complaint doesn't mean that the allegation is true**

## The Bottom Line...

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Have your personnel give them their name and ID number, **give them the complaint form**, and let the matter run its course

# Time Constraints

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**It is not unreasonable that (most) Internal Affairs Investigations will be completed within 30 days.**

**Status reports should be submitted to the Chief of Police or designee, by the primary investigator at least every ten days (or sooner if you feel it is necessary)**

# Time Constraints

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Internal Affairs Investigators will document advising complainants of case status at least every *(whatever you feel is appropriate)* days

Complainants should be notified in writing when the investigation is concluded

# Employee Rights

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As we all know, prior to a Formal Interrogation:

employees are notified that *they are the subject* of an Internal Affairs Investigation

will be *issued a written statement of allegations, rights and responsibilities* relative to the investigation

# Possible Outcomes

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**UNFOUNDED**: The investigation indicates that the alleged act or omission **did not occur** or did not involve police personnel.

**EXONERATED**: The investigation indicates that the act or omission **did occur, but was justified, lawful, and proper**

# Possible Outcomes

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**NOT SUSTAINED**: The investigation *failed to discover sufficient evidence to clearly prove or disprove the allegation* made against the employee.

**SUSTAINED**: The investigation disclosed sufficient evidence to *clearly prove the allegation*

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So Why Independent Investigations?

# On the Horizon

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## The Ever Encroaching Role Of The Illinois Legislature:

- ❑ January 1, 2004 – Illinois Traffic Stop Study originally scheduled to end in 2007 was extended to 2019.
- ❑ January 1, 2008 - 20 ILCS 2715/1 – Illinois Traffic Stop Statistical Study & Racial Profiling Prevention and Data Oversight Act.
- ❑ January 1, 2016 - 50 ILCS 727 – Police and Community Relations Improvement Act.
- ❑ April 4, 2017 – Senate Bill 31 – (as proposed) Bars local law enforcement from working with I.C.E. without a warrant.
- ❑ This does not include other unfunded mandates for training and equipment.

# On the Horizon - In the courts:

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*“When it is possible to question the fiduciaries' loyalty, they are obliged at a minimum to engage in an intensive and scrupulous independent investigation of their options to insure that they act in the best interests of the plan beneficiaries.*”

***Seeking independent expert advice is evidence of a thorough investigation,** and provided that the fiduciary has investigated the expert's qualifications, has provided the expert with complete and accurate information, and determined that reliance on the expert's advice is reasonably justified under the circumstances, the fiduciary's decision will be respected, despite the conflict of interest.”*

FINAL REPORT OF  
THE PRESIDENT'S TASK FORCE ON  
21ST CENTURY POLICING

MAY 2015

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**2.2.2 ACTION ITEM:** These policies should also mandate external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths.

BEST PRACTICES IN INTERNAL INVESTIGATIONS:  
2013 EDITION

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# Why Is This Important?

## Growing importance of fact-finding and investigations in the global workplace

The concept of workplace fact-finding or investigation is not a new one as employers have long experienced the need to gather reliable information about employees in order to make reasonable decisions concerning them. In the past, however, most workplace investigations concerned such individual employee issues as theft, violation of work rules, and other misconduct. Now, with the rise and global spread of significant corporate fraud, whistle-blowing, discrimination, retaliation and other more serious corporate responsibility issues, conducting effective and appropriate internal investigations has taken on a new importance.

Just what constitutes an “effective and appropriate” investigation will vary, of course, as such judgments are affected in the first place by the facts and circumstances that initiate them. Some investigations are “bet the corporation” matters in terms of regulatory or reputational risk. Clearly, these require pulling out all the stops to achieve an effective and fully defensible investigation. Others, more limited in terms of their potential risks, will still require prompt, thorough efforts, but will be considerably less involved. Certainly, investigations triggered by specific complaints will usually require more extensive and formal practices than those triggered by an organization’s mere intention to determine “what’s going on” with respect to a particular issue in its workplace. Internal investigations are also affected by the law, culture, and norms of the region or nation in which the investigation is conducted as well as by the norms and culture of the organization that is undertaking the investigation.

Certain practical principles are reasonably common to all investigations, however, and can at least serve as the basis for discussion as to what workplace investigations generally do – and should- look like in the increasingly global workplace. One necessary qualification to this discussion, however, is that this paper addresses “best practices,” that is, particularly excellent or aspirational management policies, procedures, and practices, and not “minimal” or necessarily legally mandated practices. Many of the practices addressed do constitute “usual and reasonable practice,” that is, “known, feasible, and common or customary practice,” or “industry standard” at least among US-based employers. Whether or not a given practice can, should, or must be adopted in any specific organization, however, will depend upon a number of circumstances such as the organization’s size, location, structure, and resources. In addition, of course, this paper cannot constitute specific legal advice. To implement appropriate, or multiple appropriate,

With respect to **investigators**, courts and arbitrators may question:

- Competence
- Training
- Experience
- Qualifications

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# Why Is Independence Important?

With regard to the ***investigation***, courts and arbitrators may question:

- Planning & Organization
- Commitment
- Promptness
- Thoroughness
- Fairness & Lack of Bias
- Accuracy & Precision
- Adequate Documentation

# What does this do for the Chief?

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**Gives the Chief the opportunity to say publicly:**

**This is being independently investigated**

**By an outside source**

**With no direct or supervisory connection to our PD or to the personnel involved**

What could be the  
“downsides” of an  
independent investigation?

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# What About My Union??

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Sometimes we lose sight of the fact that most unions want the same things we want:

- Good Working Conditions
- Fair Treatment for Everybody

If the union can be convinced that the Internal Investigation is truly **“Independent”**, they usually don't complain

# What About My Union??

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Most union officials with whom we have worked tell us that by doing the internal independently:

There is less chance of the PD trying to “Scapegoat” anyone (*or the **perception** that is being done*)

There is less chance that someone’s “Disciplinary History”, Performance/Productivity, Ability to Get Along With Bosses, Personality, etc. will be considered during the investigation

# Public Trust in Law Enforcement

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Whether civilians trust the institutions of justice is central to the concept of *procedural justice*. That is, where the public trusts the process of the justice system, it will confer *legitimacy* on those institutions

A significant body of research demonstrates “public perceptions of the *fairness* of the justice system in the United States are more significant in shaping its legitimacy than perceptions that it is *effective*”

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Where the public has trust, it will sanction law enforcement with *legitimacy*; and when it does so, it is signaling that the *public's moral values of right and wrong are aligned with those of its police agencies*

Conversely, legitimacy crumbles when civilians are treated unfairly and *the public is left with the conclusion that police agencies are not accountable*

# Policing 2020:

Exploring the Future of Crime,  
Communities, and Policing

Joseph A. Schafer, Ed.



## Policing 2020: Exploring the Future of Crime, Communities, and Policing

*“Courts will question: the presence or absence of records; whether documents have been audited; whether there is independent scrutiny of actions and documents; the transparency and openness of the situation in the public domain; accountability of individuals and the organization; and, access to legal advice and if heeded.”*

Thanks Very Much

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