



3100 PROFESSIONAL STANDARDS (Revised: January 15, 2021)

3110 GENERAL

The Tucson Police Department thoroughly investigates all allegations of criminal activity or misconduct by its members. Suspected violations of federal or state law, department *General Orders*, City Administrative Directives, and other policies or procedures by members shall be fully, fairly, and promptly investigated.

The Office of Professional Standards (OPS) oversees or conducts investigations of department members actions, safeguarding the integrity of the organization, ensuring the safety of the community, and protecting the rights of all persons. In furtherance of these principles, all complaints shall be investigated in an unbiased manner, without regard to sex, age, race, color, religion, ancestry, national origin, disability, sexual orientation, gender identity, language proficiency, marital status, familial status, or citizenship.

3120 DUTIES OF MEMBERS

Department members have an obligation to report misconduct they observe or are made aware of in another manner. No member shall harass, intimidate, coerce, or threaten any other member who has reported misconduct or participated in an investigation of misconduct. Members found to have engaged in such behavior shall be subject to disciplinary action, up to and including termination.

Members shall cooperate fully in department investigations as required in *General Orders*.

3121 Supervisors

3121.1 General

Supervisors shall monitor department operations under their command for violations of law, department general orders, and City policy.

3121.2 Handling of Complaints and Investigations

When accepting complaints that may result in an investigation of a department member, supervisors shall assess the credibility of the complaint prior to initiating the investigation. Once initiated, supervisors shall ensure confidentiality throughout the investigation.

3121.3 Supervisory Review

Except as otherwise provided, supervisors in a member's chain of command are responsible for generating findings, arriving at a conclusion of fact, and making recommendations regarding the disposition and discipline, if any, as a result of an investigation.



3130 DUTIES OF THE OFFICE OF PROFESSIONAL STANDARDS (OPS)

3131 General

OPS shall act on behalf of the Chief of Police and reports to the Analysis, Engagement, and Oversight (AEO) Bureau Chief, with the following areas of responsibility:

- Recording, documenting, and controlling the investigation of major incidents (e.g., officer involved shootings and in-custody deaths);
- Recording, documenting, and controlling the investigation of alleged or suspected misconduct within the agency;
- Investigating or assuring the investigation of alleged or suspected misconduct within the agency;
- Recording, documenting, and maintaining a file of the inspection of procedures, incidents, or activities;
- Coordination of and follow-up on disciplinary actions within the agency;
- Maintaining the confidentiality of OPS investigations and records;
- Coordinating or investigating alleged or suspected criminal activity by a department member.

3132 OPS Commander Duties

The commander of OPS reports to the Chief of Police through the AEO bureau chief. The OPS commander will make immediate notification to the chief, or his designee, in cases of serious criminal allegations against members. The OPS commander will otherwise oversee all operations of the office. Investigations will be completed in a timely manner as established by department policy and in accordance with the current labor agreement. The OPS commander shall ensure that briefings for a *Major Incident* (as detailed in General Order 2500) for members of the department's Executive Leadership team include either the captain or lieutenant (both are preferred), as well as the primary and secondary investigators assigned to the incident review.

3140 COMPLAINT INTAKE

3141 Types of Complaints Accepted

As a general matter, OPS will accept timely first-party complaints against department members. Complaints of a non-serious nature that have not been made within 180-days of the incident will not be accepted, unless directed by the Chief of Police, the AEO Bureau Chief or the OPS Commander. Anonymous complaints present significant investigative challenges and will generally not be accepted except in circumstances where the allegations are of a serious or sensitive nature. The OPS commander shall review each anonymous complaint and make a recommendation to the AEO Bureau Chief regarding feasibility of further investigation. The AEO Bureau Chief shall determine if the anonymous complaint shall be pursued or closed.

The following types of complaints will also be accepted:

- Complaints made by parents on behalf of minor or dependent children.
- Misconduct allegations by a third party, at the discretion of the OPS Commander.



3142 Complaint Intake Procedures

Complaints may be made in person, via telephone, fax, e-mail, internet, or by mail. They may also be communicated through the Independent Police Auditor (IPA), the City Manager or Mayor's Office, or via an outside agency. No inquiry shall be made regarding the citizenship or immigration status of the complainant, nor will such information be used in any manner to deter or discourage a person from reporting misconduct or making a complaint.

3142.1 Normal Business Hours:

- **Police Main Station**

Complaints made at the main police station during normal business hours will be directed to OPS.

- **Other Locations**

When a person wishing to make a complaint contacts a member of the department at a location other than the main police station, the person will be given the option of filing the complaint directly with OPS. If this is inconvenient for the complainant, any sworn supervisor may take the complaint and then forward to OPS.

3142.2 After Hours

When a person wishing to make a complaint contacts a member of the department after normal hours, any sworn supervisor may be called to take the complaint. The *Community Member Complaint Form* will be completed and forwarded to OPS in an envelope marked *Confidential*.

3142.3 Complaints of a Serious Nature

If the complaint is of a serious nature, OPS shall be notified immediately. OPS after-hours callout information may be found on TPD Wiki. A serious complaint is considered one that is criminal in nature, one that could result in significant disciplinary action (i.e. termination), or which may seriously undermine community trust, public safety, or the professional image of the department.

3142.4 Resolution of Complaints

If the complaint appears to arise from misinformation, misunderstanding, or acceptable police procedure, the supervisor shall attempt to resolve these issues at the initial contact.

3143 Verification of Complaint Receipt

Complainants will be provided with written verification that their complaint was received for processing by the department.



3144 Status Reports on Complaints

If, after 30 days, a complaint remains open and without a disposition, the complainant will be notified by telephone or in person that the investigation is still pending.

3150 TYPES OF INVESTIGATIONS

3151 Criminal Investigations

3151.1 General

Criminal investigations focus upon alleged or suspected violations of state or federal law. The Chief of Police shall regularly review the progress of the investigation until criminal charges are filed or refused by the appropriate prosecutorial authority. Criminal investigations will be completed within a reasonable period of time, consistent with the particular requirements and circumstances of each case. Members will be informed about the existence and outcome of a criminal investigation as soon as practical following conclusion of the investigation and whether administrative investigation or review will be conducted.

3151.2 Responsibility

If criminal prosecution of an member is a possibility, OPS will coordinate with the appropriate unit within the Investigative Services Bureau. The identified unit shall assess the case and assume responsibility for conducting the criminal investigation. OPS may enlist assistance from specialized units or outside agencies (e.g., the FBI).

3151.3 Reporting Alleged Criminal Acts

When a member is made aware that another member may be involved in criminal or apparent criminal activity, or when a person alleges criminal acts, the advised member shall immediately notify an OPS supervisor. Supervisors who are aware that an member may be involved in criminal activity shall not direct the involved member to make a *Personnel Report*, nor shall they question the involved member until the criminal investigation has been concluded.

3151.4 Disclosure of Criminal Investigations

The records connected to a criminal investigation in which a criminal complaint has been issued shall be disclosed in accordance with Arizona public records law and the Arizona Rules of Criminal Procedure. These records shall be retained in accordance with the agency records retention and disposition schedule.

3151.5 Subsequent Department Action

The disposition of criminal investigations does not determine whether or not the department conducts an administrative investigation against a member.



3152 **Administrative Investigations**

Administrative investigations determine whether a member violated department policy and are separate from criminal investigations, though they may involve the same conduct. Criminal investigations will always supersede administrative investigations but administrative investigations may be conducted concurrently. Compelled statements obtained during the administrative investigation, and information derived from those statements, shall not be provided to criminal investigators for use in the investigation against the member from whom the statement was obtained.

Administrative investigations may fall into any of the following categories:

- Internal Investigations
- External Investigations

3152.1 **Investigative Timelines**

The department has 180 days to complete an administrative investigation. The time frame begins the date the department is made aware of the alleged violation. One extension is permitted for an administrative investigation. The extension length shall not exceed 30 days and must be submitted to the Deputy Chief or the Chief of Police 30 days prior to the 180-day deadline. Provisions stipulated in the current labor agreement will be adhered to. Timelines shall be suspended while a criminal investigation is ongoing and shall resume when any of the following occur:

- The department issues written notice that the criminal investigation has been closed and will not be presented to a prosecutorial authority;
- The department receives a written declination of criminal charges from the relevant prosecutorial authority.

Timelines may also be suspended when a member is incapacitated or otherwise unavailable to the department (e.g., Family Medical Leave, Military Leave). Timelines may also be suspended with expressed written consent from the focus member. OPS shall be responsible for documenting all timeline suspensions within the investigative file.

While the existing agreement allows for 180 days to complete an administrative investigation, OPS shall strive to complete administrative investigations within 60 days. Upon completion of the investigation, the chain of command shall complete their review and discipline recommendation within 30 days. Chain of command investigations shall be also be completed, including findings and discipline recommendations, within 60 days.

The timeline for a case will end when any of the following occur:

- The department serves the member with a *Notice of Intent to Discipline*;
- The department notifies the member in writing, or via a *Notice of Closure*, that an administrative investigation has been closed.



3152.2 Internal Investigations

Internal Investigations are generated for a variety of reasons and are generally initiated within the department. This type of investigation may result when there is an internal allegation related to misconduct or operational actions of members on or off duty. Internal Investigations may be derived from a concluded criminal investigation or may be derived from some other source within the agency. Most Internal Investigations are initiated within the member's chain of command and related to operational actions conducted during the member's performance of duties. Normally, unless serious or complex in nature, these operational concerns are investigated by a member's chain of command and then forwarded to OPS for tracking and filing. OPS shall be responsible for conducting Internal Investigations of a serious nature.

3152.3 External Investigations

External Investigations may be placed into the categories that appear below. They are generated when a community member makes an allegation of misconduct against a member of the department. Examples of this type of investigation would include allegations such as excessive force, illegal search and seizure, false arrest, civil rights violations, quality of service, professionalism, attitude, disparate treatment, or unresponsiveness to the community.

- **Category 1 (Formal)**

OPS will investigate all External Investigations (EI-C1) complaints that require extensive follow up or have been determined to potentially involve severe or major misconduct, or misconduct of a complex nature. Complaints involving three (3) or more non-departmental witnesses and complaints that are pending civil litigation shall be investigated by OPS. Less complicated matters may be assigned to the affected member's chain of command for investigation. In these cases, the immediate supervisor of the member will be responsible for contacting the complainant and conducting the investigation.

Once the investigation has been completed and a finding determined (either by the chain of command or OPS) a commander from the affected member's chain of command shall contact the complainant and advise them of the disposition. The commander will explain the complaint process and attempt to answer any questions from the complainant. This contact shall be documented on the appropriate paperwork and returned to OPS.

- **Category 2 (Informal)**

Category 2 External Investigations (EI-C2) involve allegations of a non-serious nature where the complainant elects not to pursue a formal investigative process. The complainant may simply request information be provided to the supervisor via e-mail for notification purposes only. The complaint will be classified as an EI-C2 and closed within OPS.



- **Category 3**

All External Investigations begin as a Category 1 External Investigations (EI-C1). Category 3 External Investigations (EI-C3) are investigations that OPS, through a preliminary investigation, has determined to be meritless due to a lack of valid facts or no apparent General Order violations. This category of investigation will be closed within OPS.

- **Contact**

Contacts involve allegations of a non-serious nature where the person is unable to articulate a bonafide complaint. Additionally, this category is used to document community member contact with OPS under the following circumstances:

- A community member expresses an initial interest in filing a complaint, yet prior to providing OPS with the details, abandons the complaint;
- A community member asks for assistance in locating items secured as evidence or safekeeping;
- When there is a pending criminal charge and the complainant has elected to postpone their complaint until court adjudication is completed;
- For a non-serious third-party complaint that OPS determines does not necessitate investigation;
- For a complaint made beyond the 180-day time limit.

3153 **Administrative Inspections**

3153.1 **General**

Administrative Inspections focus on an activity, procedure, or incident in order to determine if procedures, training, or the philosophy of the department need revision. Inspections are a management tool used for improving department performance but may include a determination of fault.

3153.2 **Conducting Administrative Inspections**

Administrative Inspections may be conducted by the chain of command or personnel assigned to OPS.

3153.3 **Disposition and Recommendations**

After considering all the facts and circumstances a determination will be made by the reviewing authority using the following disposition categories:

- **Preventable**
The member is determined to be the cause of the accident, damage, or loss.
- **Non-preventable**
The member is determined not to be the cause of the accident, damage, or loss.

Once a disposition has been determined, the completed inspection shall be reviewed by the chain of command for their recommendations.



3153.4 Notification

For inspections conducted by the chain of command, member the completed package shall be forwarded to OPS for filing.

3160 INVESTIGATIVE PROCEDURES

3161 Purpose and Methodology

The objective of an investigation is to determine the truth. All investigations shall be conducted with full regard for the department's duty to identify misconduct and ensure accountability as well as the member constitutional and procedural rights of the involved member.

Criminal investigations shall be conducted in accordance with department *General Orders* and applicable laws. Administrative investigations shall be conducted in accordance with standard investigative techniques. Investigations may include interviews of involved members in addition to gathering and preserving evidence.

All investigations shall be thoroughly conducted in a timely and professional manner.

3162 Investigative Personnel

Assignment of OPS investigators to administrative investigations of members shall be made with due regard to the sensitivity of personal and professional relationships.

At the discretion of the Chief of Police, investigators from outside OPS or the department may be utilized.

Criminal investigations shall be conducted by appropriate units within the Investigative Service Bureau.

3163 Member Notification and Investigative Scope

When a member is notified that they are the focus of an OPS complaint they will be advised of the allegation(s) against them and a written summary of their rights and responsibilities relative to the investigation. This notification may come from OPS personnel or from the involved member's chain of command.

Interviews of department members concerning allegations of misconduct shall be limited in scope to activities, circumstances, or acts pertaining to the specific allegations being investigated. Department members shall provide complete information regarding the incident under review as required in *General Orders*.

3164 Investigations Involving Video Evidence

With the prevalence of video recording by community members, surveillance cameras, and departmental MVR and BWC, there is a strong likelihood that police action and activity will be recorded. In an investigation involving police action, and in particular use of force, it is of paramount importance to consider the involved officer's individual perception of the incident at the time, in accordance with *Graham v. Connor*. In a use of force incident where video evidence is



available, the guiding evaluative criteria shall be *Graham* in evaluating the objective reasonableness of the officer's actions. Video evidence provides only one depiction of police action, with many limitations including camera angle, lighting, frames per second captured, aperture settings, field of view, and other considerations. Additionally, memory has been shown to be highly subject to suggestion and influence. Accordingly, viewing video, like speaking with a witness, is likely to distort or interfere with the officer's individual memory of the incident, potentially undercutting the principles of *Graham*. This individual memory is critical and is the best evidence of the officer's perceptions at the time of the incident.

With these considerations in mind, officers shall not view any video depictions related to an incident under investigation prior to providing a statement. After providing a statement, members will be permitted to view their individual BWC video and make a supplemental statement with any clarification or explanation of their own video. Prior to viewing any video evidence members will be provided with the admonition below. Officers will not be permitted to view any other video prior to offering a supplemental statement regarding their own BWC video. After any clarification statement has been made, officers may then be permitted to view any other video evidence at the discretion of the Chief of Police and investigative personnel.

This admonition shall be given to officers prior to viewing video proffered by the Department:

In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. Listening to audio recordings or viewing video recordings may or may not provide additional clarity to what you remember.

The Chief of Police may authorize deviation from this policy.

3165 **Conduct and Recording of Interviews**

Reasonable effort shall be made to conduct interviews of member during his or her scheduled work hours. If member is contacted personally or by telephone outside of those scheduled work hours, compensation shall be made in accordance with department policy. Members shall be advised prior to the interview whether the interview relates to a criminal investigation, an administrative investigation, or an administrative inspection, and whether or not they are the focus of the investigation, if that determination has been made.

Interviews shall be reasonable in length. The member shall be given reasonable breaks for personal necessities, meals, telephone calls, and rest periods upon request.



Interviews may be recorded at the request of either party after giving notice of intent to do so. Equipment for such recording shall be the responsibility of the requesting party.

3166 Member Rights to Counsel

Members have the right to have counsel of their choice present during any interview involving allegations of criminal activity. Members who are not the subject of a criminal investigation but are interviewed as witness or other parties, do not have the right to the presence of counsel during any interview. Members do not have the right to have counsel present during interviews involving any administrative investigation or administrative inspection. Members may have a representative present at the interview.

3167 Member Requirements

No member who is the subject of a Criminal Investigation shall be required by the department to answer questions or submit to examinations or tests in violation of their Constitutional rights.

Members are required to answer questions, submit to tests, or render materials and relevant statements in any administrative investigation or administrative inspection pertaining to a member's function, work responsibility, or position-related activity as required by *General Orders*. Failure to comply constitutes refusal to obey a lawful order.

3168 Available Test Options

The department, depending upon circumstances, may require or offer any of the following tests or investigative steps.

3168.1 Medical or Laboratory Examinations

Upon order of the Chief of Police, a member is required to submit to a medical or laboratory examination when involved in a sensitive or serious administrative investigation as outlined in *General Orders* or *City Administrative Directives*. The examination shall be limited to the specific issue(s) under investigation and the member shall be informed of the issue items before the administration of the examination. The examinations shall be administered only by competent medical or laboratory personnel designated by the Chief of Police.

3168.2 Photographs

Photographic lineups of members may be used in accordance with accepted investigative practices.

3168.3 Physical Line-Ups

Upon order of the Chief of Police, a member may be required to stand in a physical line-up for identification purposes in a sensitive or serious administrative investigation.

3168.4 Chemical Breath/Blood Tests

Upon order of a supervisor, a member is required to submit to a chemical breath test, blood test, or urine test when reasonable grounds exist for believing the member to be



under the influence of alcohol or drugs while on duty, providing the testing would not compromise a criminal investigation. Only competent medical or laboratory personnel shall administer a blood test or a urine test. Only a certified operator shall administer a chemical breath test.

3168.5 Financial Disclosure Statements

Upon written order by the Chief of Police, a member is required to submit a full financial disclosure statement when involved in a serious administrative investigation. The order for disclosure shall be limited to the specific issue(s) under investigation and the member shall be informed of the items at issue before the request for disclosure.

3168.6 Other

Depending upon the nature of the allegations, other investigative steps may be warranted. These are to be carried out in accordance with *General Orders*, *City Administrative Directives*, union contract, Civil Service Rules, Arizona Revised Statutes, and the Constitution of the United States.

3169 Integrity of Reports

Members shall not remove any original report (including Personnel Reports) from an investigative package once the report has been finalized. All finalized reports become a permanent part of the investigative package.

3170 DISPOSITIONS

3171 Recommendations and Disposition Options

The following dispositions are available for use at the conclusion of the evaluation of an administrative investigation.

- **Sustained**
The member was determined to have committed the alleged violation.
- **Unfounded**
The member did not commit the alleged violation.
- **Exonerated**
The member was justified in taking the course of action alleged as inappropriate.
- **Other**
The member was determined to have committed a violation other than what was originally alleged.
- **Not Sustained**
It cannot be determined if the member committed the alleged violation.



3172 Chain of Command Review

For investigations completed within OPS, the OPS investigator shall make findings as to whether the member(s) violated *General Orders*. If OPS determined the member violated policy, OPS shall list the applicable *General Order* or *City Administrative Directive* and determine the appropriate discipline "Type" (color) on the Discipline Guide. The investigation shall be forwarded to the member's chain of command for review and discipline recommendation.

Investigations completed by the member's chain of command shall be conducted in the same manner as an OPS investigation. However, the chain of command shall be responsible for determining a finding as well as the discipline recommendation, if applicable.

The chain of command review shall ensure there are two levels of concurrence on the proposed discipline in order for it to be implemented, with the exception of the Chief of Police who is the final level for any recommendation for termination. For disciplinary review purposes, the chain of command will generally start with the affected member's immediate supervisor. Exceptions may occur with the review starting at a higher level or with an alternate chain of command, as may be deemed appropriate by the Chief of Police or Bureau Commander.

3173 Member Notification

After the completion of a formal investigation, the member shall be notified of the disposition via the chain of command or by OPS. If the member has any questions regarding the disposition that cannot be satisfactorily addressed by their chain of command, they may contact the OPS for clarification. The complete investigative package shall be available for review by the subject member.

3174 Complainant Notification

Once the appropriate chain of command has concluded its review and recommendations, the complainant shall receive written notification of the complaint outcome via a letter from the Chief of Police or their designee, including the OPS Commander.

3180 OPS RECORDS

3181 Records Maintained in the Office of Professional Standards

OPS shall maintain copies of all investigative files in a secure area. The OPS Commander is the custodian of these records.

3182 Purging of Files

3182.1 General

OPS files will be purged according to the guidelines established below after review has assured no pending litigation exists involving any file scheduled for destruction. This purging shall be accomplished each quarter. If litigation is pending, the files will not be purged until the litigation has been resolved.



3182.2 Purging Criteria

All OPS files that resulted in corrective action or no discipline will be purged after five years.

Per ARS 39-128, the department shall retain records that are reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary actions including the member responses. For all Professional Standards investigations that result in a written reprimand, suspension, demotion, or termination, the following must be retained indefinitely: Professional Standards Incident Summary, Attachment A, Personnel Reports, any Grievance paperwork, and Civil Service paperwork. Additional documentation may be retained at the direction of the OPS Commander.

3183 File Review by Members

Completed complaint packages and internal investigations may be examined by department members in a manner consistent with the TPOA agreement, department policy, or state law.

Members who have received a seven-day notice of discipline may review their package during normal business hours for OPS. The member may also elect to have their union representative review their investigative file if applicable.

3184 Release of OPS Files

Files maintained by OPS will only be released in accordance with the Arizona Public Records Law or in response to a lawful subpoena from a court of competent jurisdiction.