



Civilian Police Commissioner Program

Purpose

The Freeport Police Department understands the importance of working cooperatively within the community to create an impact on crime and victimization. To fulfill this mission we are creating a civilian Police Commissioner program to represent the four council wards/districts of the City of Freeport.

These Commissioners will act as liaisons in their respective council districts with the police department. They will provide leadership and coordination to their residential community in established programs. With clear guidance and coordination through these Commissioners we together can have an impact on crime and victimization in our community.

Police Commissioner Candidate Requirements

Each council district will be represented by a resident of that district as their Civilian Police Commissioner. A candidate for Police Commissioner must meet the below standards/requirements:

1. Must be at least twenty five [25] years of age
2. Be a full-time resident of the district/ward in which they apply to represent
3. May not be a relative of a full-time City employee
4. May not have any felony convictions of the law
5. May not have any misdemeanor convictions (excluding class C traffic violations) of the law within the last five years
6. May not have been arrested for any violation within the last five years
7. No charges for a criminal violations against a child
8. No charges for a sex related crime
9. No criminal charges for a crime against a law enforcement officer
10. Pass a law enforcement background investigation

Police Commissioner Positions and the Selection Process

Each council ward / district will be represented by one [1] civilian Police Commissioner. The Chief of Police at his/her discretion may create up to two (2) additional special Civilian Police Commissioner districts to address specific issues. Special commissioner districts may run concurrent with the established commissioner districts calendar period or within a different established time parameter established by the Chief of Police.

Annually, in January, the department will announce, by mail and the local news paper, we are accepting applications for the years Commissioner positions. Interested citizens desiring to represent their ward / district must complete a Commissioner application (applications will be available at the police department) for consideration. Interested candidates may also submit letters of support from citizens within their ward / district for consideration during the selection process.

Upon receiving the Commissioner applications, the Chief of Police will empanel a selection committee consisting of the Freeport Chief of Police, Freeport Community Service Officer, a non-police department member of the City, and a person from outside the department. The panel will review the candidate's applications, any submitted letters of recommendation and interview the candidate. At the conclusion of the candidate review panel a decision will be made. The decision of the review panel is final.

Commissioner Oath of Office

Newly appointed Police Commissioners will take his or her Oath of Office for a one year term. Upon affirming the oath to the position in which he/she is selected and signing the applicable documentation, the Commissioner will assume his/her duties within each represented ward/district. Commissioner positions are not term restricted.

Orientation Program

Within thirty [30] days of assuming a Commissioner appointment, each Police Commissioner will be required to attend a training session at the police department regarding the rules and regulations of the Commissioner program. This training will be scheduled at a time that best meets the needs of each Commissioner and the police department.

Duties

Each civilian Commissioner will be responsible for reporting and coordinating issues within his or her ward or area of responsibility to the police department. It would be hard to compile a definitive list of duties and responsibilities; however, the below list details some of the functions of a Commissioner.

1. Community liaison with Freeport Police Department
2. Coordinate community affairs within district/ward
3. Initiate, manage and coordinate Citizens on Patrol Program
4. Attend quarterly crime analysis meetings
5. Assist Chief of Police in evaluating the effectiveness of our efforts to reduce crime and victimization
6. Other functions as agreed upon to facilitate cooperation, crime reduction and community pride
7. Create and manage a network of communication within their area of our community

Appearance and Grooming

Each Commissioner, when actively engaged in the duties established for his or her position, will wear the department issued clothing. Commissioners will be responsible for cleaning their provided clothing and maintaining a professional appearance during the performance of their duties. Commissioners will notify and request replacement clothing as the need arises.

Policies and Procedures

Title: Organization 01: Mission and Values

I. Purpose:

The department seeks to develop a set of beliefs that serve as guidelines to the individual member as he or she carries out their respective duties. This statement of mission and values defines those beliefs

that we, the members of the Freeport Police Department, hold as the standards by which we will gauge our conduct and behavior.

II. Mission:

Definition. The department's mission statement articulates the reason for our existence as an organization. It serves as a continual reminder of the goals we strive to achieve and of the basic framework in which we operate to achieve those goals.

Mission Statement. It is the mission of the Freeport Police Department to provide a quality environment for our residents, business people and guests by preventing crime, maintaining the social order and reducing the fear of personal victimization. This mission is realized as we impartially, yet aggressively, uphold federal, state and local laws, conscientiously deliver professional police service and respect the individual rights of those we encounter.

III. Values:

Definition. The values of the Freeport Police Department provide substance to those attitudes and beliefs that we adhere to as fundamental to policing. They are as follows:

To Protect. We believe we have an obligation to the citizens and business people living and working within the City of Freeport to protect life and property whenever and wherever either is threatened.

To Serve. We will strive to improve the quality of community life through the provision of superior and equitable services. We recognize that quality service goes beyond law enforcement and involves those legitimate service activities deemed important by the community. We understand that a reputation for quality service is built one police community interaction at a time and we will endeavor to ensure each interaction adds to our reputation as a service organization.

To Model Integrity. We recognize that authority has been entrusted to us for the common good and believe that police officers must be people of integrity if we are to responsibly handle that authority. We define integrity as that quality which requires us to carefully evaluate each situation, make a valid legal, moral and ethical decision based upon the circumstances of a situation, and carry out the required action even when it is not convenient or popular to do so. We believe that people of integrity act in the described manner even when failure to do so would go unnoticed. We believe that police officers with integrity adhere to this philosophy in their private lives as well.

To Demonstrate Professionalism. We realize the general public has certain expectations regarding the manner in which police officers conduct themselves. Our demeanor when handling various situations, an attitude of impartiality, and the level of responsibility we exhibit when exercising authority are illustrations of the areas in which the public holds expectations. In the aggregate, the expectations the public has of us and our ability to meet those expectations, defines our level of professionalism. We believe that we have a responsibility to act professionally in all of our encounters with the public and with each other as well. We hold that professionalism extends beyond our regular tour of duty and is, in reality, a way of life.

IV. Freeport Police Department Code of Ethics

All department employees are responsible for professionally and ethically performing their duties. Below is the department's Code of Ethics (2.02) that every employee is responsible for compliance.

As a law enforcement employee, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the responsibility of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the law enforcement profession. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession ... law enforcement."

Title: Personnel Management 01: *Professional Demeanor*

I. Purpose:

This police department's statement of mission and values sets forth those principals by which we have agreed to measure our conduct and behavior. Maintaining the standard that we have set for ourselves is realized when we as a department, and as individual members, follow the tenets of professional demeanor (2.12.1) as outlined in this policy manual.

II. Obedience to Laws, Rules and Orders:

Abide by Laws and Policies. Members of this department shall abide by the laws of the United States, the State of Texas, ordinances enacted by the City of Freeport and all administrative polices promulgated by the Freeport Police Department.

Obey Lawful Orders. Members of this department shall obey all lawful orders (1.08.1) and instructions given them by any superior officer. Members shall obey instructions given by the police dispatcher as it pertains to responding to calls for service in his or her official capacity regardless of the rank of the member receiving the instruction. Such obedience shall be prompt and willing.

Insubordination. The deliberate failure or refusal of any member to obey any lawful order given by a superior officer or supervisor shall be deemed insubordination. Flaunting the authority of any superior officer or supervisor by obvious disrespect or by disputing his or her orders shall likewise be deemed insubordination.

Conflicting, Unjust or Unlawful Orders. An employee who receives an order they believe to be unjust, contrary to departmental policy or in conflict with a previous order will notify the issuing supervisor of their concern. If the issuing supervisor does not rescind or change the order, the employee will carry out the order to the best of his or her ability. The employee may then appeal the supervisor's decision to the chief of police. Such appeal must be in writing. No employee will obey an order contrary to law. Employees receiving such orders will advise the issuing supervisor that the order is unlawful. The receiving employee will immediately contact the chief of police.

III. Attention to Duty:

Responsibility to Serve. When dealing with the public, members shall be courteous and respectful to the extent they are able to do so and still perform their duties as prescribed by law and departmental policy. They shall recognize the rights of others and perform their duties with honesty, zeal, courage and fidelity. Members shall respond to all requests for service or information in an impartial (2.17.1) manner and shall consider it their duty to render assistance or provide information.

Support and Cooperation. Members of this department will cooperate, support and assist one another in all legitimate endeavors. They will act together and protect each other in hazardous or potentially hazardous situations. Members will cooperate with outside agencies when such cooperation furthers the business of the police department, the city or the law enforcement community.

Reporting for Duty. Members of this department shall report for duty, training or as otherwise directed by a supervisor at the proper time and place and be uniformed and equipped to carry out the designated assignment (2.16.1). They shall not report for duty either mentally or physically unfit to carry out an assignment due to the use of any chemical substance, which includes illegal and prescribed drugs or any usage of a drug that will affect the judgment or physical condition while performing their duties (2.20.1). Members shall remain at their posts or duty assignments until properly relieved by another member, dismissed by a supervisor, or until the designated assignment has been completed.

Duty to Report. Members shall report all hazards, accidents, injuries, emergencies or other significant incidents that come to their attention to the police dispatcher. The police dispatcher shall ensure the proper authority is notified of the situation. A police supervisor shall notify a member of the command staff on incidents that require significant even notifications.

IV. Conduct and Behavior:

Judgement and Discretion. No member shall commit any act, on duty or off duty, in an official or private capacity, which tends to bring reproach, discredit or embarrassment to the police department or the City of Freeport. Members will exercise discretion consistent with the principles set forth in the policies, procedures, and mission and value statements of this department. Members are expected to act prudently and to exercise sound judgement at all times.

Abuse of Office. Members of this department shall not use their official position to solicit any type of special privilege for any person. Special privileges include the acceptance of gifts from any person or entity when such acceptance would reasonably lead to a perception of favoritism toward the person or entity. Members shall not use their official position to influence, intimidate and/or solicit any person or business for the personal gain, benefit or acceptance of gratuities of themselves or any other person

(2.21.1). Members shall not unnecessarily interfere in the lawful private business of any person or entity, nor commit any act of oppression, injustice, or willful wrong against any person or entity. Employees are prohibited from inappropriate relationships with a known victim, witness, suspect, or defendant during an active investigation or while being prosecuted at the result of an investigation (2.18.1).

Truthfulness. (2.14.1) Members shall not make false, untrue or misleading verbal or written statements. Any statement or omission of pertinent information which intentionally, knowingly, or recklessly misrepresents facts or misleads others will be considered a false statement. This section does not apply to statements made for the purpose of furthering a legitimate police investigation.

Political Activity. Members of this agency are prohibited from personal involvement in political events and/or campaigns while on duty, in uniform or while wearing department related insignia (2.15.1).

Respect for Others. Members shall treat other members of the department with respect. They shall not direct threatening or insulting language toward one another. They shall not spread scandalous stories about one another. Members shall be courteous and respectful to superiors, subordinates, co-workers, city hall personnel, and other citizens with whom they interact.

Disruptive Activities. Members shall not perform any actions which tend to disrupt the performance of official duties by other members of the police department, or which tend to interfere with or subvert the reasonable supervision or proper discipline of any member of the police department or of the police department as a whole. Members shall not make disparaging remarks regarding departmental or city policies or issues while on duty, in uniform or while acting in their official capacity. Members shall not interfere with any lawful investigation, arrest or prosecution initiated by other members of this police department or any other law enforcement agency.

Use of Alcohol. Members shall not consume, be under the influence of, or purchase any alcoholic beverages while on duty or in uniform (2.19.1).

Use of Tobacco. Members shall not smoke on duty while engaged in direct contact with or service to the public. Members shall not smoke in any city building or city vehicle. Members may smoke in or behind the sally port area. They shall not, however, congregate in the designated smoking areas.

Use of Police Information. Police information will be used for legitimate law enforcement purposes only. The operations and proceedings of this department are to be considered confidential and are not subject to public disclosure. No member shall divulge any police information nor make information contained in police records available to any person or agency except as provided by law, departmental policy, or by competent authority. Members shall not remove any file from the police station without prior approval from the chief of police.

Classification: Personnel Management 03: Discriminatory Behavior

I. Purpose:

The department must ensure that its members respect the rights of individuals (2.17.1) while treating all persons fairly and equitably. Fair and equitable treatment must begin within the department among its members and extend to those members of society with whom the department interacts. This policy establishes procedures for identifying and addressing discriminatory behavior(s).

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II. Policy:

It is the policy of this department that members refrain from any type of discriminatory behavior (2.01.1) while on duty or while representing the department or the city. Members of this department are expressly prohibited from engaging in discriminatory behavior, favoritism, or oppression (2.17.1) directed toward the community or other employees. For the purpose of this policy, other employees include all full time or part time employees or volunteers of either the department or the city.

III. Discrimination, Oppression and Harassment (2.17.1):

Definitions. Discrimination is the failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. Harassment is any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating work environment (2.11). Examples of inappropriate behavior include but are not limited to the following.

- a. Verbal conduct such as slurs, negative stereotyping, derogatory comments. Inappropriate non-verbal conduct may include offensive or insulting gestures.
- b. Inappropriate conduct or comments consistently targeting a persons race, religion, gender or national origin. Disparate treatment based upon a person's race, religion, gender or national origin.
- c. Displaying written or graphic materials that demonstrate hostility or aversion or otherwise defames an individual or group.
- d. Racial profiling as defined in Section **IV.** of this policy.
- e. Sexual harassment as defined in Section **V.** of this policy.

Statutory Prohibitions. Discrimination and / or harassment of an employee in respect to his or her compensation, terms, conditions or privileges of employment because of the employee's race, color, religion, sex or national origin is a violation of Title VII of the

Civil Rights Act of 1964. Discrimination by an employee acting under the color of law toward any person based upon that person's race, color, religion, sex or national origin is prohibited by Chapter 42, Section 183, the United States Code and / or the Texas Code of Criminal Procedure and the Penal Code. Allegations of discrimination and / or harassment will be investigated consistent with the guidelines established in the Freeport Police Department Policy on Internal Investigations. Sustained allegations of discrimination and /or harassment will result in corrective or disciplinary action up to and including termination.

IV. Racial Profiling:

Definition. A form of discrimination defined by the Texas Code of Criminal Procedure as "law enforcement initiated action based on an individual's race, ethnicity or national origin rather than on the individuals behavior or on information identifying the individual as having engaged in criminal activity." The following are implicit in the definition.

- a. Racial profiling only becomes an issue as it pertains to contacts with citizens who are viewed as suspects or as potential suspects. It is not relevant as it pertains to witnesses, complainants or other citizen contacts.
- b. Racial profiling does not preclude race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. They may not, however, be the only factors in determining whom to detain.
- c. Detaining an individual and conducting an inquiry into that person's activities because that person is of a specific race, ethnicity or national origin is racial profiling.

Examples of racial profiling include but are not limited to the following.

- a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the driver's race, ethnicity or national origin.
- b. Detaining the driver of a vehicle based upon the supposition that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the supposition that a person of that race, ethnicity or national origin does not belong in a specific part of town or in a specific place.

V. Sexual Harassment:

Definition. Sexual harassment is a form of discrimination defined as unwelcome sexual advances, requests for sexual favors, quid pro quo sexual arrangements or other verbal or physical conduct of a sexual nature. Examples of inappropriate behavior include but are not limited to the following.

- a. Unwelcome flirtations, advances, leering, whistling or propositions. Unwelcome physical contact to include touching and / or blocking or impeding movement.
- b. Obscene or sexually insulting comments, sexual invitations or jokes, comments about a person's body or sexual abilities. Sexual gestures may also constitute inappropriate behavior.
- c. Displaying photographs, cartoons, literature, etc. of a sexual nature or that demeans a particular gender.

For conduct to be "harassing," at least one of the following statements must apply.

- a. Submission to such conduct is either an explicit or implicit condition of employment or is used as the basis for an employment decision that affects the harassed employee.
- b. The conduct reasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

Areas of Responsibility. In general, conduct of a sexual nature must be unwelcome before it is classified as harassment. Any employee who feels that he or she is a victim of sexual harassment, therefore, is encouraged to advise the harasser that the behavior is unwelcome. Victims of sexual harassment are obligated to inform a supervisor of the allegation(s). The victim's chain of command

may be violated if the alleged harasser is in the same chain of command. Nothing in this section prevents an employee from seeking relief from an outside agency (2.11.1).

Supervisors will monitor the work environment and immediately report observances of sexual harassment and / or information received regarding sexual harassment to the chief of police. They will intervene to the extent necessary to stop any incident of sexual harassment they may observe.

The chief of police will ensure any allegation of sexual harassment brought to his or her attention is thoroughly investigated and the appropriate action is taken. Any employee who alleges sexual harassment will be shielded by the chief of police pending an investigative disposition. Such shielding may involve the temporary transfer of any person who is a party to the allegation.

All parties to an allegation of sexual harassment will maintain confidentiality with due diligence.

Title: Personnel Management 02: *Internal Investigations* (2.04)

I. Purpose:

A police department must establish a trusting relationship with the community it serves. A reputation for integrity is absolutely necessary for that relationship to flourish. Integrity is established, in part, through aggressive investigation of internal and external complaints. The department also recognizes a desire to provide administrative due process to those members who become the subject of an internal investigation. This directive, therefore, establishes procedures for conducting internal investigations, employee responsibilities as they pertain to internal investigations and the mechanisms for making disposition recommendations and disciplinary decisions.

II. Definition of Formal Complaint:

The term “formal complaint” refers to an investigation that violates policy or law and meets both of the following criteria. These types of allegations must be documented and investigated (2.06.1).

- a. The investigation would result in disciplinary action as defined in Section VII, if the allegation(s) were proven to be true.
- b. The investigation is based upon one of the following conditions.
 1. A person who is the victim of the alleged misconduct has submitted a sworn statement.
 2. A written statement from a person who is a witness to the alleged misconduct.
 3. A written statement from an employee who is the victim of the alleged misconduct.
 4. A written statement from an employee who has reason to believe an administrative violation has occurred in which there is no person who is directly the victim of the alleged misconduct.
 5. An anonymous complaint if the person receiving the complaint submits an affidavit stating that the person making the complaint is truly anonymous.

An employee or a department representative will not be required to respond in writing or be disciplined under this directive unless one or more of the conditions listed in Section II; Paragraph “b”

are met. (2.06) Nothing in this section prohibits a supervisor from conducting a preliminary investigation to determine whether the basis for a formal investigation exists. Any statement made by an employee during such inquiry will be used should a formal investigation result from the inquiry.

III. Investigating Formal Complaints:

Initiation of Complaints. The chief of police will be notified (2.07) and evaluate allegations of employee misconduct brought to his attention and assign them for investigation consistent with the tenets of this directive. Nothing in this directive limits the authority of the chief of police to suspend the investigative process at his or her sole discretion.

Administrative Investigations: All administrative formal investigations into allegations of misconduct on an employee or a department representative misconduct will follow reasonable rules of due process as established by the department to include the following.

- a. A written notification (2.07) of the allegation(s), including the name of the person(s) making the complaint (if applicable), will be provided to the employee before the employee is required to respond in writing.
- b. The involved employee will be presented with the evidence gathered in the case prior to being required to respond in writing.
- c. Employees will be given forty-eight hours to respond in writing after reviewing the evidence.
- d. Written notification of the outcome of the investigation and any impending disciplinary action(s) (if applicable) will be provided to an employee who is the subject of a formal investigation. The employee will have two full business days from the receipt of the aforementioned documentation to submit a voluntary written response regarding the outcome of the investigation or the impending disciplinary actions to be taken (2.08).
- e. An employee or citizen who files a formal complaint as the victim of the alleged misconduct will be notified in writing (2.10) of the outcome of the investigation. Employees or citizens involved as witnesses will not receive written notification of the outcome of the investigation.
- f. An employee facing termination will be given the opportunity to plead his or her case before the chief of police prior to the termination date. Based on the interview, the chief of police may rescind the termination decision.
- g. The city's grievance procedure serves as the department's appeals process.

Violation of due process protocols may result in disciplinary action against the investigator conducting the investigation. A due process violation does not, however, mitigate or overturn the findings of an investigation.

Criminal Investigations. If the allegations made against a member of the department are criminal in nature, the criminal investigation will be conducted and presented to the district attorney's office. All rights guaranteed a citizen who is the subject of a criminal investigation will be afforded an employee who is the subject of a criminal investigation. The chief of police may request an outside agency to conduct a criminal investigation into allegations made against an employee.

A criminal investigation may be conducted simultaneously with the corresponding administrative investigation. An employee's administrative statement will not be used as evidence in a criminal investigation except as provided by law.

Change of Duty Status. The chief of police reserves the right to relieve of duty, reassign or place on administrative leave any employee or department representative in conjunction with an internal investigation or combination of investigations as outlined in this directive.

IV. Definition and Investigation of Informal Complaints. (2.06.1)

For the purposes of this directive, an informal complaint is defined as an inquiry into an allegation that if sustained, would best be addressed through training or supervisory counseling. Training and counseling are not considered to be disciplinary dispositions by the department.

Informal complaints will be investigated by a police supervisor. Employee and witness responses may be verbal and administrative due process protocols do not apply. The police supervisor will reduce his or her findings to memorandum form and submit the completed investigation to the chief of police. The investigation will include at least one of the following recommendations.

- a. Training.
- b. Counseling.
- c. No action required.

Informal investigations will not become part of an employee's permanent personnel file. They will be retained at the departmental level and may become the basis for performance evaluation decisions or be used as factors in determining discipline in conjunction with a formalized internal investigation. Informal investigations will not be considered in other personnel related issues after one year from the date of disposition.

The chief of police may, at his or her sole discretion, reduce a formalized complaint to informal complaint status based on the length of time between the date of incident and the date of reporting. The chief of police may upgrade an informal investigation to formal complaint status consistent with the tenets of formalization listed in Section II. Any statement made by an employee during the investigation of an informal complaint will be used as evidence if the investigation is upgraded by the chief of police.

V. Complaint Disposition:

A complaint may consist of more than one allegation. Each allegation will receive one of the following dispositions.

- a. *Unfounded.* The allegation is proven to be false or not factual.
- b. *Exonerated.* The incident occurred but was lawful and within departmental policy.
- c. *Not Sustained.* The investigation revealed insufficient evidence to either prove or disprove the allegation.

- d. *Sustained.* The investigation revealed sufficient evidence to prove the allegation. An allegation will be sustained if proven based on a finding of fact (2.04.1) during the course of the investigation.

A formal investigation may be initiated based on information obtained from any source. If, however, none of the conditions outlined in Section II Paragraph “b” are met, the allegation will be classified as *Never Formalized*.

VI. Employee Responsibilities:

Reporting Complaints. All employees or department representatives are obligated to report complaints brought to their attention to a supervisor. Supervisors are obligated to ensure that all allegations of employee misconduct are brought before the chief of police.

Any employee or department representative who observes an incident of physical or verbal abuse of any citizen by another employee or the violation of a criminal statute by another employee will immediately take appropriate steps to protect the citizen and / or stop the criminal conduct consistent with protection of the employee’s own safety. The chief of police will be notified immediately of the incident and the witnessing employee will immediately reduce their statement to writing.

Nothing in this section prohibits an employee from reporting misconduct directly to the chief of police if the subject of the report is an employee in the reporting employee’s chain of command.

Supervisory Responsibilities. The chief of police may designate an employee’s first line supervisor to conduct an inquiry into an allegation to determine whether it warrants an investigation consistent with Section III or IV of this directive. The supervisor’s findings will be reduced to writing and forwarded to the chief of police. The findings will include a recommendation for disposing of the complaint. This section does not apply to complaints generated by supervisory personnel consistent with the tenets of this directive.

Administrative Orders. Employees and/or department representatives are required to obey all lawful administrative orders given them during the course of an internal investigation. Failure to obey a lawful administrative order in conjunction with an internal investigation will be deemed insubordination and may result in termination or other disciplinary action. Lawful administrative orders include, but are not limited to, the following.

- a. Employees will respond to questions regarding the matter under investigation. All responses will be complete and truthful. The responses will be verbal or written according to the guidelines established by this directive.
- b. Employees may be required to be photographed to aid in conducting an internal investigation when the identity of the employee is in question.
- c. Employees may be required to submit to medical or laboratory examination, at the department’s expense, when necessary as part of an internal administrative investigation.
- d. A police officer may be required to submit to a polygraph examination, at the department’s expense, in certain circumstances. Prior to an officer being ordered to submit to a polygraph, the complainant in the investigation may be required to submit to and pass the examination. If a complainant is not capable of taking a polygraph or there is no person who is the victim of

the alleged misconduct, the chief of police may determine that the integrity of the officer and the department warrants the polygraph and order the test. The chief of police will provide written notification to the affected employee, which details the reason for the test prior to the test being administered.

None of the evidence obtained through compliance with the administrative orders listed in this section, or any other administrative order, may be used against an employee during a criminal trial, except as provided by law.

Investigator's Responsibilities. The investigator assigned to conduct a formal investigation will have thirty days (2.05) from assignment to complete and submit the investigation. Should the need arise to extend an investigation completion period the assigned investigator must submit a written request to the Chief of Police for approval. The investigator will collect all pertinent evidence, reduce his or her findings to writing and make a disposition recommendation for each allegation addressed in the report.

The investigator will make every effort to accommodate the parties involved in a particular investigation. Officers will not be interrogated at their homes unless the involved officer agrees to the interrogation. Off duty interrogations will only be conducted when necessary to expedite the investigation and overtime will be granted to the off duty employee. The investigator will be sensitive to the working conditions and personal schedules of persons outside the organization who are witnesses and complainants in internal investigations.

VII. Discipline:

The following are recognized by the department as forms of discipline.

- a. Written Reprimand
- b. Forfeiture of Accrued Vacation
- c. Suspension Without Pay
- d. Demotion for Cause
- e. Termination

The primary factor in determining discipline will be the egregiousness of the misconduct in which the employee has engaged. An employee who engages in repeated instances of minor misconduct will be dealt with consistent with the principles of progressive discipline.

Nothing in this directive alters an employee's at will employment status as defined by City policy.

VIII. Security of Complaints and Internal Investigations:

Completed internal investigations will be kept in a secure filing system in the office of the Chief of Police and held consistent to the current Public Information Act requirements. Only the Chief of Police can authorize any person to view completed sustained investigation files (2.09). Only sustained investigation violations are allowed to be viewed, unless written authorization by all employees is received.

Prohibitions

Police Commissioners are strictly prohibited from the following during the performance of their duties or while representing the police department:

1. Representing oneself as a police officer or law enforcement
2. Carrying a weapon
3. Taking enforcement action to any degree on a criminal violation
4. Conducting follow-up investigations on crimes or citizen complaints
5. Directing or supervising Freeport P.D. employees other than reporting and/or providing information for a law enforcement response
6. Driving a Freeport P.D. law enforcement vehicle

Removal from Office

The Chief of Police has the authority to remove a Commissioner from their elected position based on misconduct or a violation of the rules.

Vacancy of Position

Should a sustained vacancy occur for any reason during a Commissioner's term the Chief of Police will appoint a temporary Commissioner or appoint a qualified person to fill the vacant Commissioner position, based on the vacancy situation.

Appeals Process

Any Commissioner may appeal a decision made in accordance with these policies and procedures. Appeals must be submitted in writing within ten [10] days of the decision to the Chief of Police. Upon receipt of the appeal the Chief of Police will coordinate a meeting with the appealing Commissioner, a command level officer in the police department and a non law enforcement city staff director within fifteen [15] days of the receipt of the appeal. The board will hear the appeal from the Commissioner and make a final decision. The decision of the empanelled appellate board will be final.