

UCCS Police Department	Policy and Procedure: 200-100	Page Number: 1 of 9
University of Colorado Colorado Springs	SUBJECT: Professional Standards	
	SECTION:200 Administration, Fiscal and Personnel	
SUPERSESION: August 1, 2018	EFFECTIVE DATE: February 1, 2020	
APPROVED: Marc Pino, Police Chief		

I. PURPOSE

The primary purpose of this policy is to establish the policy and procedures to be used in Administrative Investigations of Department employees to ensure fair treatment of complaining parties, witnesses, and employees. Another purpose of this policy is to establish certain guidelines for Criminal Investigations of Department employees and to delineate the differences between the separation of administrative and criminal investigations of Department employees. This policy applies to all administrative and criminal investigations of alleged misconduct by Department employees or authorized volunteers, whether such investigations are initiated internally or as the result of a citizen complaint.

II. CROSS REFERENCE

- A. UCCS Policy and Procedure 400-100 Use of Force
- B. UCCS Policy and Procedure 200-105 On-Duty Conduct
- C. UCCS Policy Procedure 400-102 Firearms and Weapons
- D. UCCS Policy and Procedure 300-105 Racial Profiling
- E. State of Colorado Personnel Rules and Regulations
- F. State of Colorado Criminal Codes

III. DEFINITION

- A. Personnel Complaint**-Any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.
- B. Professional Standards Unit**-Designated officers within the Department that investigate all complaints reaching the standard for Administrative or Criminal Investigations. The unit is also responsible for coordinating the review of all Response to Aggression Reports.
- C. Corrective action**-A supervisory action intended to correct and improve behavior. These activities may include letters of formal counseling; supervisory discussion; remedial training; medical, psychiatric, or

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	2 of 9

psychological evaluation and treatment; written apologies; and/or compliance with individualized work plans.

D. Disciplinary action-A necessary action, in response to a serious violation of policy, which is intended to modify a specific type or pattern of behavior. These actions can include formal letters of reprimand, probation, demotion, suspension with / without pay, termination, criminal charges being filed, and / or administrative sanctions deemed appropriate or necessary by the Police Chief or designee.

E. External complaint-Any complaint received by any individual, or group of individuals, who are not directly involved with the functions of the department. All external complaints will be received whether by mail, phone or personally. When possible, or in the case of accusations of serious violations of policy or law, the party receiving the complaint will attempt to obtain a sworn, written statement from the complaining party.

F. Internal complaint-Any complaint received from an individual, or group of individuals, who are directly involved with the operations of the University Police department.

G. Severity Scope Defined-

Level I: Serious policy violations such as, but not limited to: discrimination, sexual harassment, violations of law, use of force, racial profiling, employee against employee complaints, and other complaints if at the direction of the Chief. Complaints of this nature will be accepted indefinitely. If there are violations of law statute of limitations shall apply.

Level II: Policy violations such as disobedience to orders, insubordination, and performance off duty, or willful misconduct and repeated level III complaints. Complaints of this nature can be accepted up to one year after the date of the alleged occurrence.

Level III: Courtesy complaints of rudeness, disrespect, impartiality, procedural complaints specifically related to the officer's duty assignment, handcuffing, traffic stops, supervisory issues such as tardiness, minor procedural errors, traffic accidents, failure to show for court, minor sick time abuse, etc. Complaints of this nature can be accepted up to six months after the date of the alleged occurrence.

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	3 of 9

IV. POLICY

The University of Colorado – Colorado Springs Police Department takes all complaints seriously regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints in accordance with this policy and applicable federal, state and local law, municipal and county rules. It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation. It should be noted; complaints alleging disagreements on traffic tickets, parking tickets, or probable cause for an arrest are examples of complaints that may not be taken. These decisions are for the Court to make and not normally subject to review by the UCCS Police Department.

V. PROCEDURE

Complaints can be accepted in any format the community member wishes; in person, telephone, e-mail or anonymously. External complaints can be received by any member of the department if a supervisor is not available. In cases where a supervisor is not available the receiving member will make all attempts to ensure the complaint form is completed to the best of her/his ability. Complaint forms shall also be available on the UCCS Police Department Homepage. All complaints will be forwarded to the immediate supervisor of the member in question. Allegations of criminal activity by a department member shall require immediate notification to the Deputy Chief of Police.

1. Direct Supervisory Response to Complaint (Informal Complaint)-

If the allegation does not meet the standard for a Level II or Level I investigation and the matter is resolved with no further action required the supervisor will note the resolution on a complaint form, and forward the document to the Deputy Chief for entry and storage. Informal Complaints related to internal performance issues do not require an investigation disposition.

2. Administrative Investigation/Formal Complaint - An allegation that meets the standard for a Level I or Level II investigation; the allegation if substantiated could result in disciplinary action. A series (more than one over an evaluation period) of Level III complaints may require an Administrative Investigation. Such complaints may be referred to the Professional Standards Unit or if upon finalization of the investigation it is deemed that the findings do not result in the need for a formal response can be referred back to the direct supervisor of the officer.

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	4 of 9

- a. Administrative investigations may occur due to allegations of one or more policy violations such as; disobedience to orders, insubordination, off duty conduct, or willful misconduct and repeated sustained Level III complaints. Complaints of this nature can be accepted up to one year after the date of the alleged occurrence. All Administrative Investigations will require a report.
- b. The Chief has primary authority to conduct all administrative and criminal investigations of Department employees, or cause them to be conducted.
- c. While conducting an investigation, the Professional Standards Unit (PSU) is delegated the Chief's authority for the purpose of directing an administrative investigation. The PSU has the authority to require all employees to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with their duties and obligations as an employee of the Department or pertaining to the duties and obligations of any other employee of the Department.
- d. If a supervisor is not available any complaint can be accepted by any member of the department and promptly forwarded on to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary. Persons can also take a form with them to be mailed back, if they desire to do so. In such circumstances, the Department member assisting the complainant will provide the mailing address of the Department along with the proper form. Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.
- e. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Chief and/or Deputy Chief are notified via the as soon as practical.
- f. Promptly contacting the University's Office of Institutional Equity and Compliance if a complaint relates to sexual, racial, ethnic or other forms of discrimination.

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	5 of 9

- g. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so. **Note:** A Garrity Advisement should be issued only in Administrative Investigations with no potential for criminal activity.

Garrity Warning- I wish to advise you that you are being questioned as part of an official investigation of the UCCS Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the constitution of the United States of America, including the right not to be compelled to incriminate yourself and to have an attorney of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges, which would result in your dismissal from the UCCS Police Department. If you answer, neither your statements nor any information, or evidence which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

3. Criminal Investigation- Where a member is accused of potential criminal conduct, a professional standards investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. All Criminal Investigations will require a report.

- a. The Chief of Police and Deputy Chief shall be notified as soon as practical when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.
- b. A member accused of criminal conduct shall be provided with all the rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

4. Use of Force Review-When a member uses force as defined per UCCS P&P 400-100, Use of Force, in the categories of: passive resistance, active resistance, aggressive physical assault

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	6 of 9

or deadly force assault the member will complete a Response to Aggression Form. The member will submit the form along with his/her case report. The supervisor reviewing the case will submit the Response to Aggression form to the Deputy Chief Police.

- a. The Professional Standards Unit will initiate a review of the UOF in conjunction with relevant Command Members.
- b. The review will only evaluate the factors associated with the UOF.
- c. PSU will coordinate investigations in circumstances where the officer has discharged his/her weapon on duty, intentionally or not, and no one was injured.

5. Disposition- Administrative Investigations, Criminal Investigations and Informal Complaints shall be classified with one of the following dispositions:

- a. **Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.
- b. **Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
- c. **Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
- d. **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.
- e. **Policy Failure/Revision-** When the act occurred but was in compliance with policy at the time of occurrence. If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

6. Post-Administrative Investigation Procedures

- a. An officer who is the subject of an investigation shall be notified by his immediate supervisor, or acting supervisor, as soon as sufficient facts have been established to disclose the seriousness of the complaint. Complete disclosure of the complaint shall be made to the officer unless such would jeopardize the complainant or witness. Where immediate disclosure of the complaint would impede a thorough investigation of the complaint, disclosure shall not be made until conditions promising a thorough investigation are met.

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	7 of 9

- b. Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police or designee may accept or modify any classification or recommendation.
- c. If requested, the complainant may be informed of the disposition of the investigation in general terms (sanctioned/cleared/insufficient evidence).
- e. The department shall maintain a file of all complaints of police misconduct determined to be of a seriousness to warrant corrective or disciplinary action or the filing of criminal charges, whether or not sustained. The files shall be maintained for six (6) years, sealed in the records section of the UCCS Police Department. Additionally, this file shall include all reports associated with the investigation of such complaints. This file will be made available only to the involved officer (s), the supervisors in the direct chain of command, the investigators of the complaint, the Chief of Police, the complainant (s), or anyone who can prove a “need to know status,” pursuant to the Open Records Act (C.R.S. 24-72-202 through 24-72-205) and university personnel rules.
- f. Investigative documents generated by an allegation of misconduct, which result in criminal charges shall not be considered personnel files and are subject to inspection pursuant to the Open Records Act (C.R.S. 24-72-301 through C.R.S. 24-72-309).
- g. The officer’s personnel file, per state rules, shall also contain documentation of corrective and disciplinary actions, which shall not be purged unless the actions have been rescinded in accordance with state personnel procedure.
- h. Per Colorado Revised Statutes 24-33.5-114, a state or local law enforcement agency shall notify the local district attorney whenever the agency learns that any peace officer of the agency has made a knowing misrepresentation: in any testimony or affidavit relating to the arrest or prosecution of a person or to a civil case pertaining to the peace officer or to the peace officer’s employment history; or during the course of any internal investigation by a law enforcement agency which investigation is related to the peace officer’s alleged criminal conduct, official misconduct as described in Colorado Revised Statutes section 18-8-404 or 18-8-405 or the use of excessive force. A law enforcement agency of the department shall provide the notice described in paragraph (a) of this

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	8 of 9

subsection not more than seven days after the agency learns that a peace officer of the agency has made a knowing misrepresentation as described in said paragraph.

7. Inspection and Seizure of Department, University, or State-Owned Property

a. Property owned by the state of Colorado, the University of Colorado, or the UCCS Police Department in possession of an employee shall be subject to inspection and/or seizure in order to retrieve property or to discover evidence of work-related misconduct.

b. Such property includes, but is not limited to: offices, desks, file cabinets, computers and computerized files, lockers, storage space, rooms, equipment, work areas, and vehicles.

3. Employees may store private property in such areas; however, privacy shall not be expected.
4. Any telephone call or electronic message or data made or received on any department telephone, or equipment (i.e. laptops, CAD, personal computers, etc.) is the business of the department. Due to the complex problems of law enforcement, and the need for accuracy in reporting, those persons using department telephones and equipment can reasonably expect that security could take the form of monitoring and/or recording incoming and outgoing calls, electronic messages, or data.
5. Only employees acting in their official capacity as a supervisor or as an administrative investigator shall be authorized to inspect work areas and seize, without a warrant (if such seizure without a warrant is permitted under the law), evidence relevant to the administrative investigation.

VI. HISTORY

Standard Operating Procedure 200-100, effective August 1, 2018

General Order 200-103, effective August 1, 2018

Standard Operating Procedure 200-100, effective July 1, 2016

Procedure 106, effective January 1, 1998.

Policy 106, January 1, 1998

SECTION:	SUBJECT:	PROCEDURE NO.	EFFECTIVE:	PAGE NO.
Administration, Fiscal and Personnel	Police Misconduct	200 – 100	February 1, 2020	9 of 9

VII. ATTACHMENTS

UCCS Police Department Complaint Receipt Form