

General Order

Houston Police Department



ISSUE DATE:

April 10, 2017

NO.

300-32

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-32, dated January 5, 2001

SUBJECT: PROCESSING COMPLAINTS AND EMPLOYEE ISSUES

POLICY

The department shall process issues and complaints related to employee performance through the Internal Affairs Division/Central Intake Office (IAD/CIO). Using the *Issue Record Form* (IRF), IAD/CIO shall standardize the initial intake of issues, complaints, and grievances (hereinafter referred to as issues). IAD/CIO shall refer these issues to the appropriate location for resolution. The chain of command assigned an issue shall track and monitor the issue until it is resolved.

Employees shall report activities, complaints, or misconduct as required by department policy.

This General Order applies to all employees.

DEFINITIONS

Alternative Dispute Resolution (ADR). A department unit assigned the task of processing job-related issues eligible for resolution by one of four separate sections: Mediation, Employee Relations, Grievance, and Employee Representative Council.

Alternative Dispute Resolution Process. The department process designed to provide employees alternative methods for resolving job-related issues. The ADR process is structured to focus on the following processes (these are not Internal Affairs Division [IAD] issues):

- a. Mediation
- b. Employee Relations
- c. Grievance
- d. Employee Representative Council (ERC)

To use any ADR process, employees should file their issues with IAD/CIO or ADR. IAD/CIO shall refer issues to ADR or to the process deemed most appropriate for addressing the issue.

Division Case Manager. Each division shall have a division case manager. The division case manager is assigned by the division's commander and is responsible for assisting supervisors with initiating IRFs and for ensuring the case management system time line is followed. The division case manager shall serve as the shift tracking coordinator for the day shift and as the division liaison to IAD/CIO.

Internal Affairs Division Case Management System (IADCMS). A specific database used to facilitate recording and tracking of all issues.

Issue Acknowledgement Form (IAF). The department form generated by the IADCMS after the shift tracking coordinator has entered the IRF. The IAF is given to citizens and employees as an acknowledgement that the department has recorded the issue. The IAF also provides the issue tracking number.

Issue Record Form (IRF). An electronically generated form obtained from the IADCMS used for receiving information related to an issue. The primary functions of this form are to generate issue tracking numbers and initiate the issue resolution process. The IRF template is available on the department's Intranet Portal if the IADCMS is not available.

Issue Resolution Record (IRR). A department form used by ERC representatives for documenting and presenting an employee's ERC issue to division commanders. This form is available on the ADR Website via the department's Intranet Portal.

Issue Tracking Number. A tracking number generated by the IADCMS. This is the reference number provided to the complaining party. An issue may be recategorized or rerouted, but the issue tracking number will remain the same.

Shift Tracking Coordinators. Each division commander shall assign shift tracking coordinators and alternates for each shift and unit within their area of responsibility. During their shift, shift tracking coordinators are responsible for assisting their supervisors with initiating IRFs, ensuring the IADCMS time line is followed, and assisting division case managers in all matters regarding the tracking of issues.

Alternates shall fulfill the division case managers' and shift tracking coordinators' responsibilities in the event of their absences. Whenever division case managers or shift tracking coordinators are no longer able to serve as coordinators, the division commander shall notify the captain of IAD in writing.

1 INTERNAL AFFAIRS DIVISION/CENTRAL INTAKE OFFICE

When possible, employees shall first attempt to resolve any routine managerial and employee matters within their immediate chain of command. However, the department recognizes that in some situations this may not be the best possible process for concerns that become issues.

IAD/CIO shall act as a centralized intake center for all issues requiring department intervention for both citizens and employees. IAD/CIO shall review each issue and process it according to its standard operating procedures (SOPs) and any applicable General Orders. IAD/CIO shall initiate an IRF when citizens or employees initially bring an issue to the attention of IAD/CIO. IAD/CIO shall provide the citizen or employee an issue tracking number at the time the issue is recorded into the system. IAD/CIO shall categorize the allegations and forward the issue electronically to the appropriate division for further processing.

Employees and citizens with issues shall be able to begin the process in the appropriate locations where IRFs can be completed and sent electronically to IAD/CIO. IAD/CIO shall process and categorize all incoming electronic, faxed, or emailed IRFs received from throughout the department. Any IRF sent to IAD/CIO after normal business hours shall be processed the next working day.

When the IADCMS is not functioning, the citizen's or employee's issue shall be handwritten on an IRF. A copy shall be provided to the person and a copy shall be faxed or emailed immediately to IAD/CIO. IAD/CIO shall provide the citizen or employee the appropriate information upon processing the issue.

Existing investigative and decision-making processes shall not be changed unless specifically stated within this General Order or by other official notice.

2 EMPLOYEE REPRESENTATIVE COUNCIL (ERC) ISSUES

Employee Procedures

Employees who have issues regarding a policy or procedure that cannot be resolved within their immediate chain of command may report issues to their divisions' ERC representatives. Employees shall describe the issue and requested resolution on non-letterhead correspondence and present the issue to their ERC representative. See General Order 300-26, **Employee Representative Council**, for more information.

ERC Representative Procedures

If an employee's issue is eligible for the ERC process, the ERC representatives shall complete an ERC *Issue Resolution Record* (IRR) form and include the employee's division commander's signature indicating whether the issue is able to be resolved at the division level. The IRR shall be faxed or emailed to the ERC section in the Alternative Dispute Resolution Unit.

ERC representatives are encouraged to follow an employee's chain of command whenever possible; however, ERC representatives are not restricted to chain of command rules and shall not be precluded from direct access to division commanders regarding an employee's ERC issue.

Exceptions

On rare occasions, certain ERC issues may not conform to the above criteria. These issues shall be addressed on a case-by-case basis at the discretion of an ERC section supervisor.

3 GRIEVANCE ISSUES

To initiate the grievance process an employee shall proceed directly to the ADR Unit. An ADR grievance coordinator shall screen the issue to determine if it is eligible for resolution via the grievance process. If the issue is determined to be eligible for the grievance process and is being filed in a timely manner as set forth by applicable statutes, an IRF shall be completed and an issue tracking number shall be assigned.

The grievance coordinator shall explain the grievance process to the employee and shall assist the employee in completing the necessary Step I grievance paperwork. See General Order 300-12, **Grievance Procedure**, for more information.

4 EMPLOYEE RELATIONS SECTION AND DISCRIMINATION ISSUES

Employee Procedures

When employees have issues alleging any form of prohibited conduct or discrimination (General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**, Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967 [ADEA], Title 1 Americans with Disabilities Act [ADA] of 1990, the Pregnancy Discrimination Act, or the Genetic Information Nondiscrimination Act of 2008 [GINA], including applicable amendments to such acts), employees shall immediately report the issues in accordance with General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**.

Supervisor Procedures

Supervisors shall abide by General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**, when they are advised of any matter that may involve discrimination or harassment. Supervisors who witness or are advised of misconduct as outlined in General Order 300-11, **Discrimination, Harassment, and Other Prohibited Conduct**, shall ensure IRFs are generated and transmitted electronically to the Central Intake Office. Supervisors shall give employees initiating such issues a copy of the IAF including the issuing tracking number. Supervisors shall then refer employees to CIO and ADR when applicable for further processing.

5 EARLY WARNING SYSTEM ISSUES

Both classified and civilian employees may be referred to the Early Warning System as outlined in General Order 300-24, **Early Warning System**.

The Early Warning System Unit supervisor shall be responsible for initiating an IRF for all Early Warning System issues and transmitting those issues electronically to IAD/CIO.

6 MEDIATION ISSUES

Mediation provides a forum in which an impartial third party, the mediator, assists the disputing parties in resolving their conflicts through communication. This promotes reconciliation, settlement, understanding, and agreement. The process is confidential and nonpunitive. Mediators include, but are not limited to, trained department employees. Department issues shall be processed and completed in 60 *calendar* days or less.

Employee Procedures

When employees have issues involving miscommunication and want to promote understanding and reconciliation, they may report the issue to IAD/CIO or ADR in accordance to General Order 300-33, **Mediation**.

Supervisor Procedures

IAD/CIO administrative lieutenants and intake sergeants, and the ADR lieutenant are responsible for determining if issues are appropriate for resolution by the mediation process.

IAD/CIO intake sergeants or ADR shall generate an IRF and forward hard and electronic copies to the appropriate unit for further processing. IAD/CIO intake sergeants or ADR shall give the employee initiating such an issue a copy of the IAF including the issue tracking number.

The assistant chief over ADR has the authority to order a mandatory mediation for issues other than sexual harassment.

7 SUPERVISORY INTERVENTION (SI) ISSUES

Supervisor Procedures

The *Corrective Action Manual* governs the use of the SI process. Supervisors shall abide by this manual when processing SI issues. When a supervisor elects to use the SI process, the supervisor shall have the shift tracking coordinator initiate an IRF and obtain an issue tracking number from the IADCMS. The intervening supervisor shall inform the party raising the issue of the outcome within 30 *calendar* days of initiating the IRF and make an entry in the IADCMS indicating that notice was given.

Supervisory Intervention issues shall be tracked for audit purposes only. Documentation and files developed during the Supervisory Intervention itself shall be maintained only at the subject employee's current division.

8 INTERNAL AFFAIRS ISSUES

Employee Procedures

All complaints coming to the attention of an employee shall be brought to the attention of the employee's immediate supervisor who shall ensure the division commander is notified.

Supervisor Procedures

Class I and II Investigations

Supervisors shall accept and record phone-in complaints if the complaints involve allegations of serious misconduct (Class I). Other phone-in complainants shall be advised they need to make the complaint in person so a notarized sworn statement can be obtained or mail a notarized statement with specific details of the complaint to IAD/CIO. Supervisors who receive phone-in complaints regarding allegations of serious misconduct shall immediately make the appropriate notifications, including notifying IAD, as required by this and related General Orders (see section 12).

Supervisors shall obtain sworn statements from walk-in complainants. Supervisors shall have their shift tracking coordinators initiate IRFs and transmit them electronically to IAD/CIO immediately. A thorough description of the issues shall be included while entering the IRF information into the IADCMS. Shift tracking coordinators shall then print a copy of the IRFs. Supervisors who receive issues shall sign the IRFs and send the original to CIO immediately. If the walk-in complainant refuses to provide a sworn statement, then the supervisor shall make a notation of the refusal on the IRF.

At the time the complaint is received, receiving supervisors shall give all walk-in complainants an IAF including the issue tracking number for the case. Likewise, phone-in complainants shall be provided the information verbally.

Class II (X) (Expedited) Investigations

Supervisors shall refer to the department's *Corrective Action Manual* for specifics regarding expedited investigations.

IAD/CIO Procedures

When IRFs are electronically transmitted to IAD/CIO, the IRFs shall be reviewed for completeness and shall be correctly routed according to IAD/CIO's SOPs and any applicable General Orders.

When complainants contact IAD/CIO directly, intake sergeants shall conduct interviews and initiate IRFs. Complainants shall be given an IAF including the issue tracking number. IAD/CIO shall review all issues and route them to the appropriate divisions or units for processing.

Notice of the Nature of the Complaint

IAD/CIO shall provide, in a timely manner, the subject employee with written notice of the nature of the complaint.

9 ROUTING INVESTIGATIONS

IAD/CIO shall review all IRFs and categorize and route the issues according to criteria set forth in IAD/CIO's SOPs and any applicable General Orders. If IAD classifies an issue as a Class I or II investigation, the following shall occur:

Class I Investigations

IAD/CIO shall send the initial investigation packet to the IAD/CIO case manager for processing. The IAD lieutenant receiving the packet shall assign it to an investigator using the IADCMS. The IADCMS entry shall be made by the next business day.

Class II Investigations

If an issue is classified as a Class II investigation issue or as a Supervisory Intervention issue, it shall be assigned to the target employee's division or unit for processing. If the issue is classified as a Class II investigation, that division's IAD lieutenant shall receive the packet and assign it to an investigator using the IADCMS. These IADCMS entries shall be made by the next business day.

Changing an Issue Classification

Once IAD/CIO has entered the initial classification into the IADCMS, only IAD/CIO may change the classification of an issue. Any division commander may consult with the IAD captain in order to seek modification of an issue classification.

10 EVIDENCE

Supervisors shall process any evidence submitted to them in accordance with General Orders and cross-reference the property tag numbers on the IRFs in the IADCMS.

11 BACK-UP PROCEDURES**Tracking Coordinators Unavailable**

If both the shift tracking coordinator and alternate are not available to assist the supervisor receiving the complaint, the supervisor shall contact the Command Center to initiate the IRF and tracking process in accordance with this General Order. The Command Center shall give an issue tracking number to the supervisor.

If the complaint is made in person, the IAF shall be given to the complainant at the time the complaint is received.

If the complaint is accepted by telephone, the information from the IAF shall be given to the complainant at the time the complaint is received.

12 RELATED GENERAL ORDERS

200-03, Investigation of Employee Misconduct
200-08, Conduct and Authority
200-16, Firearm and Soft-Impact Weapon Discharges
200-36, Solicitation, Gifts, and Bribery
300-11, Discrimination, Harassment, and Other Prohibited Conduct
300-12, Grievance Procedure
300-24, Early Warning System
300-26, Employee Representative Council
300-33, Mediation
500-20, Treatment of Prisoners, Suspects, and Other Citizens
600-17, Response to Resistance
600-42, Racial Profiling Prohibited



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