

**Please note: This is a working draft of Directive 333.00. This is proposed language and the Bureau has not implemented any changes at this time.*

333.00, Criminal Investigations of Police Bureau Employees

2nd Universal Review: 8/8/17-8/22/17 (Clean View)

Refer:

- DIR 315.00, Laws, Rules and Orders
- DIR 330.00, Internal Affairs, Complaint Intake, and Processing
- DIR 332.00, Administrative Investigations
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures

Definitions:

- Criminal Investigation: A complete investigation into allegations of criminal conduct by a member, conducted by or at the direction of the Investigations Branch.

Policy:

1. Thorough investigations of allegations of criminal misconduct by Bureau members are essential to the maintenance of Bureau integrity, effectiveness, efficiency, and accountability. Criminal investigations of members will be conducted concurrently with any administrative investigation involving the same event without undue delay and in a manner consistent with the highest standards of objectivity and professionalism.
2. Bureau members subject to a criminal investigation will be afforded rights guaranteed under the United States and State of Oregon Constitutions throughout the investigation.
3. Investigations of deadly force or in-custody deaths are governed by Directive 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures.

Procedure:

1. Member Responsibilities.
 - 1.1. Any member who receives a complaint of criminal conduct by another member or has knowledge of any criminal investigation of a member, shall immediately notify their Shift Supervisor or any of the following:
 - 1.1.1. Reporting member's Responsibility Unit Manager.
 - 1.1.2. Any Assistant Chief (AC).
 - 1.1.3. IA Captain.
 - 1.2. Any member in a supervisory or higher position listed above shall forward the complaint to the Detective Division Commander.
 - 1.3. Any member who observes criminal conduct by another member has a duty to reasonably intercede. Members shall immediately notify their supervisor or any individual listed above.
 - 1.4. Any member who is arrested, charged, or becomes aware they are the subject of a criminal investigation shall ensure that their direct supervisor is notified as soon as practicable. The direct supervisor shall notify, through channels, the Assistant Chief of Investigations.
2. Detective Division Commander Responsibilities.

- 2.1. Brief the AC of Investigations within 24 hours of receipt of complaint for determination of investigative unit assignment.
 - 2.2. Ensure that the IA Captain or designee is notified within 24 hours of receipt of complaint if they are not already aware.
 - 2.3. Conduct monthly meetings with IA to review criminal investigations. Provide the IA Captain with a status of the case (i.e., ongoing interviews, reports written, awaiting evidence, interviews or discussions with District Attorney's Office, etc.).
 - 2.4. Ensure the original case reports are delivered to the AC of Investigation and IA Captain after the investigation is complete.
3. AC of Investigations Responsibilities.
 - 3.1. Ensure the Chief is updated on active criminal investigations.
 - 3.2. Notify the IA Captain or designee and the Detective Division Commander of any member who is arrested or charged in a criminal investigation.
 - 3.3. Determine what investigative unit shall be responsible for the criminal investigation of any Bureau employee providing the alleged criminal incident occurred in the City of Portland.
4. Investigations.
 - 4.1. Assignment.
 - 4.1.1. The assigned investigative unit supervisor shall:
 - 4.1.1.1. Assign appropriate criminal investigators to the case.
 - 4.1.1.2. Contact IA and provide the case number, complainant's name, subject member's name, name of investigators, and a summary of each allegation.
 - 4.2. Preliminary Investigations.
 - 4.2.1. Investigators shall conduct a preliminary investigation and brief the Detective Division Commander or designee who shall determine the appropriate investigative strategy.
 - 4.2.1.1. If the investigation indicates the complaint is without merit, the investigator shall submit a confidential memorandum, through channels, to the AC of Investigations, detailing specific articulable facts, to close the case.
 - 4.2.1.1.1. The Detective Division will not create a case number for intakes of this nature.
 - 4.2.1.2. If the preliminary investigation indicates the need for further inquiry, the investigator shall:
 - 4.2.1.2.1. Obtain, or cause to be obtained, a privatized and confidential Police Bureau case number from the Records Division Supervisor, the numbering desk, or direct entry. To aid in tracking the case, minimal information (i.e., name, date) should be given to the Supervisor (not to the numbering desk). If the case number is obtained by other means than through the Records Supervisor, the investigator shall provide the case number to the Records Division Supervisor as soon as practicable.

4.2.1.2.2. Contact the District Attorney's Office or other appropriate prosecutorial agency for assignment of a Deputy District Attorney or prosecutor to the investigation to coordinate investigative and judicial proceedings.

4.2.1.2.3. The investigator shall conduct a complete and thorough investigation.

4.3. Investigation Completion.

4.3.1. The Detective Division Commander or designee shall send the final case file to the IA Captain.

4.3.1.1. IA shall archive all criminal investigation case files.

5. IA Captain Responsibilities.

5.1. To ensure that all Criminal Internal cases are tracked and completed, the IA Captain shall:

5.1.1. Maintain a Criminal Internal database that includes case number, complainant's name, subject member's name, name of investigators, case status, allegation summaries, and the date of investigations open and close.

5.1.2. Meet monthly with IPR and the AC of Investigations or designee to discuss the commencement and ongoing coordination of criminal and administrative investigations.

5.1.3. Act in accordance with Directive 330.00, Internal Affairs, Complaint Intake, and Processing, and investigate in accordance with Directive 332.00, Administrative Investigations upon receipt of a complaint of criminal conduct.

5.1.4. Document delays due to protection of the integrity of the criminal investigation.

6. Concurrent criminal and administrative investigations.

6.1. An administrative investigation into allegations of misconduct shall be conducted at the same time as the criminal investigation so long as it does not compromise the criminal investigation.

In these situations, the following procedures will apply:

6.1.1. A clear line of separation shall be maintained between those individuals responsible for the criminal process and those responsible for the administrative process.

6.1.2. No information from an administrative interview shall be shared with the District Attorney's (or other prosecutor's) Office or anyone involved in the criminal investigation.

6.1.3. All information developed in the criminal investigation shall be forwarded to IA as it is developed.

6.1.4. The IA Captain shall take all steps necessary to prevent the disclosure of information from administrative interviews of any employee subject to a criminal investigation. This includes securing interview recordings and transcripts.

6.1.5. If the criminal investigation is ongoing, no one from the Investigations Branch, including the AC of Investigations, shall review findings and/or participate in or attend any Police Review Board proceeding associated with the case.

6.1.6. Administrative staff authorized to conduct work on the case shall be strictly limited to those individuals necessary to conduct the work.

6.1.7. If necessary at the outset of the administrative investigation, the Chief and IA Captain shall prepare a memorandum outlining specific procedures for maintaining the line of separation between the criminal and administrative investigations, including who is authorized to possess information about the administrative case.

7. Outside Jurisdiction.

- 7.1. For a case in which a criminal investigation is being conducted by another agency, the following procedures shall apply:
 - 7.1.1. The IA Captain or designee shall:
 - 7.1.1.1. After receiving notification that an outside criminal investigation is being conducted, inform the AC of Investigations within 24 hours.
 - 7.1.1.2. Act as the liaison with the other jurisdiction to monitor the progress of the investigation and court action if the alleged criminal conduct occurred outside the City of Portland boundaries.
 - 7.1.1.2.1. The role of the liaison is to offer assistance and gather information without influencing the course of the investigation.
 - 7.1.1.3. Coordinate investigative actions (such as interviews) with the agency conducting the investigation and/or the prosecutor so as to avoid jeopardizing the criminal case.
 - 7.1.1.4. Ensure that no information from the administrative investigation is shared with anyone involved in the criminal investigation or prosecution.

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333.00, Criminal Investigations of Police Bureau Employees

2nd Universal Review: 8/8/17-8/22/17 (Redline Markup View)

Refer:

- DIR 315.00, Laws, Rules and Orders
- DIR 330.00, Internal Affairs, Complaint Intake, and Processing
- DIR 332.00, Administrative Investigations
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures

Definitions:

- Criminal Investigation: A complete investigation into allegations of criminal conduct by a member, conducted by or at the direction of the Investigations Branch.

Policy:

1. Thorough investigations of allegations of criminal misconduct by Bureau members are essential to the maintenance of Bureau integrity, effectiveness, efficiency, and accountability. Criminal investigations of members will be conducted **concurrently with any administrative investigation involving the same event** without undue delay and in a manner consistent with the highest standards of objectivity and professionalism. ~~The constitutional and contractual rights of members subject to a criminal investigation will be protected in accordance with the law and applicable collective bargaining agreements. This Directive does not apply to deadly force investigations or in-custody deaths, which are covered under separate Bureau directives.~~
2. Bureau members subject to a criminal investigation will be afforded rights guaranteed under the United States and State of Oregon Constitutions throughout the investigation.
3. Investigations of deadly force or in-custody deaths are governed by Directive 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures.

Procedure:

~~1. All allegations of criminal conduct by members will be referred to the Assistant Chief of Investigations.~~

1. Member Responsibilities.

- 1.1. Any member who receives a complaint of criminal conduct by another member or ~~who observes~~ has knowledge of any criminal conduct by another ~~investigation of a~~ member, ~~will~~ shall immediately notify ~~on~~ their Shift Supervisor or any of the following:

~~1.2. Reporting member's Shift Supervisor.~~

~~1.2.1.1.1. Reporting member's Responsibility Unit Manager.~~

~~1.2.2.1.1.2. Any assistant chief.~~ Assistant Chief (AC).

~~1.1.3. IA Captain.~~

~~1.3.1.2. Any member in a supervisory or higher position listed above shall forward the complaint to the Detective Division Commander.~~

~~1.4. Professional Standards Division Captain.~~

1.3. Any member who observes criminal conduct by another member has a duty to reasonably intercede. Members shall immediately notify their supervisor or any individual listed above.

1.5.1.4. Any member who is arrested, ~~cited~~, charged, or becomes aware they are the subject of a criminal investigation ~~must notify~~ shall ensure that their direct supervisor ~~is notified as soon as practicable~~. The direct supervisor shall notify, through channels, the Assistant Chief of Investigations.

~~2. Any manager who receives notification of a criminal complaint against a member will ensure the Assistant Chief of Investigations or designee is immediately notified.~~

~~3. The Assistant Chief of Investigations will update the Chief of Police.~~

~~4. The Assistant Chief of Investigations or designee is responsible for notifying the Professional Standards Division Captain of the criminal complaint by the next business day.~~

~~2. The Detective~~ Detective Division Commander ~~and Professional Standards Division Captain will meet~~ Responsibilities.

2.1. Brief the AC of Investigations within 24 hours of receipt of complaint for determination of investigative unit assignment.

2.2. Ensure that the IA Captain or designee is notified within 24 hours of receipt of complaint if they are not already aware.

2.3. Conduct monthly meetings with IA to review criminal investigations. Provide the IA Captain with a status of the case (i.e., ongoing interviews, reports written, awaiting evidence, interviews or discussions with District Attorney's Office, etc.).

~~5. of Bureau members.~~

Criminal

~~5.1.2.4. Ensure the original case reports are delivered to the AC of Investigation Supervision and Coordination: IA Captain after the investigation is complete.~~

~~The Assistant Chief~~

~~3. AC of Investigations will determine~~ Responsibilities.

3.1. Ensure the Chief is updated on active criminal investigations.

3.2. Notify the IA Captain or designee and the Detective Division Commander of any member who is arrested or charged in a criminal investigation.

5.2.3.3. Determine what ~~division will~~ investigative unit shall be responsible for the criminal investigation of any Bureau employee providing the alleged criminal incident occurred in ~~The~~ the City of Portland.

4. Investigations.

4.1. Assignment.

4.1.1. The assigned investigative unit supervisor shall:

4.1.1.1. Assign appropriate criminal investigators to the case.

4.1.1.2. The Assistant Chief Contact IA and provide the case number, complainant's name, subject member's name, name of investigators, and a summary of each allegation.

4.2. Preliminary Investigations.

~~5.2.1.4.2.1. Investigators shall conduct a preliminary investigation and brief the Detective Division Commander or designee along with the Professional Standards Division Captain will discuss the commencement and ongoing coordination of criminal and administrative investigations. who shall determine the appropriate investigative strategy.~~

4.2.1.1. If the investigation indicates the complaint is without merit, the investigator shall submit a confidential memorandum, through channels, to the AC of Investigations, detailing specific articulable facts, to close the case.

4.2.1.1.1. The Detective Division will not create a case number for intakes of this nature.

If the preliminary investigation indicates the need for further inquiry, the investigator shall:

~~6. Outside Jurisdiction:~~

~~6.1. If it is determined that the alleged criminal conduct occurred in a jurisdiction other than the City of Portland, the Professional Standards Division Captain will be responsible for establishing a liaison with the other jurisdiction to monitor the progress of the investigation and court action.~~

~~6.2. The Professional Standards Division Captain will notify the Assistant Chief of Investigations of all outside criminal investigations.~~

~~7. Police Bureau Investigations:~~

~~7.1.1.1.4.2.1.2. The assigned Responsibility Unit Manager will:~~

~~7.1.1.1.1.4.2.1.2.1. Obtain, or cause to be obtained, a privatized and confidential Police Bureau case number from the Records Division Manager or Supervisor, the numbering desk in the event of the Manager's absence, or direct entry. To aid in tracking the case, minimal information (i.e., name, date) should be given to the Records Manager Supervisor (not to the numbering desk). If the case number is obtained by other means than through the Records Supervisor, the investigator shall provide the case number to the Records Division Supervisor as soon as practicable.~~

~~7.1.1.1.2.4.2.1.2.2. Contact the District Attorney's Office or other appropriate prosecutorial agency for assignment of a Deputy District Attorney or prosecutor to the investigation. to coordinate investigative and judicial proceedings.~~

~~7.1.2.1.1.1.1.1. Assign appropriate criminal investigators to the case.~~

~~7.1.3. Contact the Professional Standards Division and provide the case number, complainant's name, subject member's name, name of investigators, and a summary of each allegation.~~

~~7.1.4. Ensure the original case reports are delivered to the Records Manager after the investigation is completed.~~

4.2.1.2.3. The investigator shall conduct a complete and thorough investigation.

4.3. Investigation Supervisor's Completion.

4.3.1. The Detective Division Commander or designee shall send the final case file to the IA Captain.

4.3.1.1. IA shall archive all criminal investigation case files.

8.5.IA Captain Responsibilities:

8.1. The investigator's supervisor will:

~~8.1.1. Meet with the assigned Deputy District Attorney and criminal investigators to determine the investigative process and to coordinate investigative and judicial proceedings.~~

~~8.1.2. Supervise the assigned investigators and review investigative reports. Upon approval of the report, the supervisor will forward copies of all reports to the Professional Standards Division Captain.~~

~~8.1.3. Expedite the investigation.~~

~~8.2.1.1. Provide the Professional Standards Division with a monthly status of the case (i.e., ongoing interviews, reports written, awaiting evidence, interviews or discussions with District Attorney's Office, etc.).~~

~~8.2.1. Provide a complete copy of the case file through channels to the Assistant Chief of Investigations and Professional Standards Division.~~

~~9. Professional Standards Division Manager Responsibilities:~~

~~9.1.5.1. To ensure that all Criminal Internal cases are tracked and completed, the Professional Standards DivisionIA Captain willshall:~~

~~9.1.1.5.1.1. Maintain a Criminal Internal database that includes case number, complainant'scomplainant's name, subject member's name, name of investigators, case status, allegation summaries, and the date of investigations open and close.~~

~~9.1.2. Meet with a representative of Independent Police Review Division monthly to reconcile databases.~~

~~5.1.2. Meet monthly with IPR and the AC of Investigations or designee to discuss the commencement and ongoing coordination of criminal and administrative investigations.~~

~~5.1.3. Act in accordance with Directive 330.00, Internal Affairs, Complaint Intake, and Processing, and investigate in accordance with Directive 332.00, Administrative Investigations upon receipt of a complaint of criminal conduct.~~

~~5.1.4. Document delays due to protection of the integrity of the criminal investigation.~~

~~10.6. Concurrent criminal and administrative investigations:~~

~~10.1.6.1. An administrative investigation into allegations of misconduct mayshall be conducted at the same time as the criminal investigation asso long as it has been determined that in doing so it will does not compromise the criminal investigation. For cases in which it has been determined that an administrative investigation will begin while there is an ongoing criminal investigation In these situations, the following procedures shallwill apply:~~

~~10.1.1.6.1.1. A clear line of separation shall be maintained between those individuals responsible for the criminal process and those responsible for the administrative process.~~

~~10.1.2.6.1.2. No information from an administrative interview willshall be shared with the District Attorney's (or other prosecutor's) Office or anyone involved in the criminal investigation.~~

~~10.1.3.6.1.3. All information developed in the criminal investigation willshall be forwarded to the Professional Standards DivisionIA as it is developed.~~

~~10.1.4.6.1.4. The Professional Standards DivisionIA Captain willshall take all steps necessary to prevent the disclosure of information from administrative interviews of any employee subject to a criminal investigation. This includes securing interview recordings and transcripts.~~

~~10.1.5-6.1.5.~~ No If the criminal investigation is ongoing, no one from the Investigations Branch, including the Assistant Chief AC of Investigations, will shall review findings and/or participate in or attend any Police Review Board proceeding associated with the case.

~~10.1.6.~~ The Assistant Chief of Services or designee will review the administrative investigation and make findings recommendations to the Police Review Board.

~~10.1.7-6.1.6.~~ Administrative staff authorized to conduct work on the case will shall be strictly limited to those individuals necessary to conduct the work.

~~10.1.8-6.1.7.~~ At If necessary at the outset of the administrative investigation, the Chief of Police and the Professional Standards Division and IA Captain will shall prepare a memorandum outlining specific procedures for maintaining the line of separation between the criminal and administrative investigations, including who is authorized to possess information about the administrative case.

Outside Jurisdiction

7.

~~10.2.7.1.~~ For a case in which a criminal investigation is being conducted by another agency, the following ~~procedure~~ procedures shall apply:

~~7.1.1.~~ The Professional Standards Division IA Captain or designee will act as a liaison between the Police Bureau and the agency conducting the shall:

~~7.1.1.1.~~ After receiving notification that an outside criminal investigation is being conducted, inform the AC of Investigations within 24 hours.

~~7.1.1.2.~~ Act as the liaison with the other jurisdiction to monitor the progress of the investigation and court action if the alleged criminal conduct occurred outside the City of Portland boundaries.

~~10.2.1.1-7.1.1.2.1.~~ The role of the liaison is to offer assistance and any prosecutorial agency gather information without influencing the course of the investigation.

~~10.2.1.2-7.1.1.3.~~ The Professional Standards Division Captain or designee will ~~coordinate~~ Coordinate investigative actions (such as interviews) with the agency conducting the investigation and/or the prosecutor so as to avoid jeopardizing the criminal case.

~~10.2.1.3-7.1.1.4.~~ The Professional Standards Division Captain or designee will be responsible for ensuring Ensure that no information from the administrative investigation is shared with anyone involved in the criminal investigation or prosecution.

11. Responsibility, Accountability, and Control:

~~11.1. Responsibility Unit Managers and supervisors will ensure that members within their chain of command understand the ramifications of criminal behavior by members and the expectations and process of reporting such activity. This will be accomplished through consistent education and support of the mission, values and goals of the Bureau.~~