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## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the North Liberty Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1010.2 POLICY

The North Liberty Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Lieutenant, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Lieutenant, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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#### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### **1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

##### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. 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.

#### **1010.5 DOCUMENTATION**

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.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

[See attachment: Citizen Complaint.pdf](#)

#### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

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#### 1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Lieutenant or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the Shift Supervisor for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:

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1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
  - (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Requested by the Chief of Police or Command Staff, during which the questioning of an officer is intended to gather evidence to determine the merit of a complaint which may be the basis for seeking removal, discharge, or suspension of the member, the following applies to members covered by the peace officer bill of rights (except for a criminal investigation) (Iowa Code § 80F.1):

- (a) (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the North Liberty Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation.
- (e) Prior to the interview, a member who is the subject of the complaint shall be provided, at a minimum, a written summary of the complaint.
  - (a) 1. If the complaint alleges domestic abuse, sexual abuse or sexual harassment, the member shall not receive more than a written summary of the complaint.
- (f) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (g) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (h) Any member 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. A member shall be advised that answers to questions shall not be used against the member in any subsequent criminal proceedings.
  - (a) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been a *Garrity* advisement.

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- (b) Administrative investigators should consider the impact that compelling a statement from the member may have on a related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
- (c) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (i) The interviewer shall record all interviews of a member subject of the complaint and should record the interviews of witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview should be provided to the member prior to any subsequent interview.
- (j) All members subjected to interviews that could result in discipline have the right to have legal counsel or an uninvolved collective bargaining representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (k) All members shall provide complete and truthful responses to questions posed during interviews.
- (l) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

[See attachment: NLPD Officer Bill of Rights.pdf](#)   [See attachment: discipline paperwork1\\_.pdf](#)

[See attachment: NLPD Garrity.pdf](#)

#### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

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**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**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.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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.

#### 1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within six months from the date of discovery by an individual authorized to initiate an investigation. Only in extenuating circumstances on the Chief of Police can grant an extension.

#### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

#### 1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

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- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### **1010.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The North Liberty Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

If a complainant is determined to be in violation of Iowa Code § 718.6 (false reports), the investigator shall file the necessary paperwork with the county attorney's office for possible charges (Iowa Code § 80F.1).

#### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

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 the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### **1010.10.1 LIEUTENANT RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Lieutenant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

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Prior to forwarding recommendations to the Chief of Police, the Lieutenant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Lieutenant shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

#### **1010.10.2 CHIEF OF POLICE RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Lieutenant for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline (Iowa Code § 80F.1).
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective. The Chief of Police shall also ensure that the member is provided with written notice that the information in their personnel file as a result of the disciplinary action may become a public record (Iowa Code § 22.15).

#### **1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### **1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:



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- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **1010.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

In the event of punitive action against an employee covered by the peace officer bill of rights, the appeal process shall be in compliance with Iowa Code § 80F.1.

#### **1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will employees, probationary employees not covered by the peace officer bill of rights and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police.

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#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

##### **1010.15.1 NOTICE PUBLIC RECORD FOR TERMINATION, RESIGNATION, OR DEMOTION FOR DISCIPLINARY ACTION**

Iowa Code Section 22.7(11) provides that the fact that an individual resigned in lieu of termination, was discharged or demoted as a result of disciplinary action and the documented reasons for that action are a public record. If this disciplinary action is considered as part of a documented reason for any such action in the future, please be on notice that it may become a public record.

## **Attachments**

## **Citizen Complaint.pdf**

**NORTH LIBERTY POLICE  
COMPLAINT FORM**

Complainant's Name \_\_\_\_\_ DATE \_\_\_\_\_

Address: \_\_\_\_\_

Phone (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Place of Work \_\_\_\_\_ Occupation \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_ Best way to contact you \_\_\_\_\_

DATE OF INCIDENT \_\_\_\_\_ TIME \_\_\_\_\_

LOCATION OF INCIDENT \_\_\_\_\_

EMPLOYEE(S) INVOLVED IN INCIDENT (If known) \_\_\_\_\_

Witnesses to incident: (name, address, phone number)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Details of Incident: (who, what when, where, why If you do not know the names any details, physical descriptors, badge numbers, etc. to help identify the employee)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on other side)

**STATE CODE OF IOWA**

**718.6 False Reports to Law Enforcement Authorities**

A person who reports or causes to be reported false information to a fire department or law enforcement authority, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the same did not occur, commits a misdemeanor.

**I HAVE WRITTEN AND OR READ THE COMPLAINT HERIN AND SWEAR OR AFFIRM IT IS TRUE**

\_\_\_\_\_  
SIGNATURE    DATE    TIME

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
Notary Public

**(Continued from front...)**

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**I understand the department's policy that complaints need to be made in a timely manner, namely 10 working days from the date of the incident unless extenuating circumstances arise, to gather evidence and contact possible witnesses. If this complaint is made within the timeline you will be notified by the Chief of Police with the disposition of the complaint. The North Liberty Police Department dispositions are:**

Unfounded - allegations is false or not factual

Sustained - enough evidence to prove allegations

Not sustained -not enough evidence to prove or disprove the allegations

Exonerated – incident happened but employee's actions were lawful and proper

Sustained/ Other – investigation revealed other misconduct by employee found not reported by complainant

Policy Failure - incident happened and were proper with current policy, however department will review policy

**I request the following measures of relief be granted or corrective action taken by the North Liberty Police Department.**

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## NLPD Garrity.pdf

NLPD Garrity Warning

You are hereby advised that this interview, held on \_\_\_\_\_,  
is for the purpose of an internal Department investigation pertaining to \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

in which the result can be discipline only. Pursuant to your Constitutional right not to incriminate yourself, neither your statements during this interview, nor any information or evidence which is gained by reason of such statements, can in any manner be used against you in any criminal investigation, prosecution, or other criminal proceeding. However, your statements can be used against you in relation to subsequent departmental charges and discipline. Your failure to answer questions and/or request for written statements in this investigation, may result in discipline up to and including dismissal from this Department.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Location \_\_\_\_\_ Investigator \_\_\_\_\_

Witness by \_\_\_\_\_

***For written statements***

*The following statement should precede any and all reports or statements requested by your department concerning your actions, other officers' actions or incidents in which anything contained in the report or statement can be used against you or other officers:*

"On (state date/time) at (place), I was ordered to give this statement (report) by (state name/rank). I give this Statement (report) at his/her order as a condition of employment. I understand that I may face disciplinary action for disobeying this order so I have no alternative but to abide by the order.

It is my belief and understanding that the Department requires this statement (report) solely and exclusively for internal purposes and will not release it to any other person or agency. It is my further belief that this statement (report) will not and cannot be used against me in any criminal proceedings.

For any and all other purposes, I hereby reserve my rights as provided by the United States Constitution and any other rights prescribed by law. Further, I rely specifically upon the protection afforded me under *Garrity v. New Jersey 385 U.S. 439 (1967)*".



## **discipline paperwork1\_.pdf**

**NORTH LIBERTY POLICE DEPARTMENT**

**COUNSELING OR REPRIMAND FORM**

- Written Warning
- Written Reprimand

EMPLOYEE NAME: \_\_\_\_\_ BADGE NUMBER \_\_\_\_\_

(Below complete a description of the behavior)

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Date of Counseling Session (if appropriate) \_\_\_\_\_  
(Action Taken or Recommended)

Supervisor's Signatures: \_\_\_\_\_

“I acknowledge that I received counseling and I have been advised of the following rights:  
(1) that a written record shall be maintained; (2) that I have the right to review the record  
and respond in writing; (3) that the form shall become part of my personnel file; and (4)  
that I am required to acknowledge the reprimand/counseling by signing the record.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**The offense violated is** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This offense affected the Police Departments ability to be effective, efficient or a safe employer by** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**To avoid this discipline action in the future the employee will** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This problem will be corrected by (this action) or (time)** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Further disciplinary action, up to and including termination will occur if the performance does not improve.**

**NOTE:** You have the right to write a response to this written warning immediately following receipt.

**Written Reprimand Appeal Process** A written reprimand will remain in your personnel file indefinitely. You have the right to write a response to the written reprimand within ten (10) days of receipt. If the Chief of Police sustained the reprimand you may appeal the reprimand to the Human Resource Director, through the office of the Chief of Police. The Human Resource Director shall be the final arbitrator for a written reprimand.

**NORTH LIBERTY POLICE DEPARTMENT**  
**NOTICE OF INTENT TO**  **SUSPEND**  **DEMOTE**  **DISCHARGE**

TO: \_\_\_\_\_  
(Name of employee)

DATE: \_\_\_\_\_

You are hereby notified that the undersigned intends to suspend, demote, or discharge you for neglect of duty, disobedience of orders, misconduct or failure to perform your duties in the following particulars:

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Effective Date \_\_\_\_\_

You may contact the City of North Liberty Human Resource Director at 319-626-5700 regarding status on payments, pay grade, or city offered benefits received

A pre-suspension, demotion, discharge hearing before the undersigned is set  
For the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_ M.  
Located at \_\_\_\_\_

You may appear at said time to show what cause, if any, you may have as to why said action should not be taken.

You may be represented at said hearing by your attorney, if you so desire, and at your expense. This hearing will be informal in front of the City Administrator.

\_\_\_\_\_  
Chief of Police  
Diane Venenga

**CERTIFICATE OF SERVICE**

I delivered a copy of the above Notice of Intent to suspend, demote or discharge to the affected employee on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature \_\_\_\_\_

This disciplinary action form serves as written notice pursuant to Iowa Code Section 22.15 that this document will be placed in your personnel file and may later be considered a public record. Iowa Code Section 22.7(11) provides that the fact that an individual resigned in lieu of termination was discharged or demoted as a result of disciplinary action and the documented reasons for that action are a public record. If this disciplinary action is considered as part of a documented reason for any such action in the future, please be on notice that it may become a public record.

## **NLPD Officer Bill of Rights.pdf**

## NLPD Officer Bill of Rights

### **Iowa Code Adopted 2007 80F.1 Peace officer, public safety, and emergency personnel bill of rights.**

1. As used in this section, unless the context otherwise requires:
  - a. *"Complaint"* means a formal written allegation signed by the complainant or a written statement by an officer receiving an oral complaint stating the complainant's allegation.
  - b. *"Formal administrative investigation"* means an investigative process ordered by a commanding officer of an agency or commander's designee during which the questioning of an officer is intended to gather evidence to determine the merit of a complaint which may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the officer.
  - c. *"Informal inquiry"* means a meeting by supervisory or command personnel with an officer who is the subject of an allegation, for the purpose of resolving the allegation or determining whether a formal administrative investigation should be commenced.
  - d. *"Interview"* means the questioning of an officer who is the subject of a complaint pursuant to the formal administrative investigation procedures of the investigating agency, if such a complaint may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the officer. *"Interview"* does not include questioning as part of any informal inquiry or questioning related to minor infractions of agency rules which will not result in removal, discharge, suspension, or other disciplinary action against the officer.
  - e. *"Officer"* means a certified law enforcement officer, fire fighter, emergency medical technician, corrections officer, detention officer, jailer, probation or parole officer, communications officer, or any other law enforcement officer certified by the Iowa law enforcement academy and employed by a municipality, county, or state agency.
  - f. *"Statement"* means the statement of the officer who is the subject of an allegation in response to a complaint.
2. This section is not applicable to a criminal investigation of an officer or where other investigations pursuant to state or federal law require different investigatory procedures.
3. A formal administrative investigation of an officer shall be commenced and completed in a reasonable period of time and an officer shall be immediately notified of the results of the investigation when the investigation is completed.
4. An officer shall not be compelled to submit to a polygraph examination against the will of the officer except as otherwise provided in section 730.4, subsection 3.
5. An officer who is the subject of a complaint, shall at a minimum, be provided a written summary of the complaint prior to an interview. If a collective bargaining agreement applies, the complaint or written summary shall be provided pursuant to the procedures established under the collective bargaining agreement. If the complaint alleges domestic abuse, sexual abuse, or sexual harassment, an officer shall not receive more than a written summary of the complaint.
6. An officer being interviewed shall be advised by the interviewer that the officer shall answer the questions and be advised that the answers shall not be used against the officer in any subsequent criminal proceeding.
7. An interview of an officer who is the subject of the complaint shall, at a minimum, be audio recorded.
8. The officer shall have the right to have legal counsel present, at the officer's expense, during the interview of the officer. In addition, the officer shall have the right, at the officer's expense, to have a union representative present during the interview or, if not a member of a union, the officer shall have the right to have a designee present.
9. If a formal administrative investigation results in the removal, discharge, or suspension, or other disciplinary action against an officer, copies of any witness statements and the investigative agency's report shall be timely provided to the officer upon the request of the officer.
10. An interview shall be conducted at any facility of the investigating agency.
11. If an interview is conducted while an officer is off duty, the officer shall be compensated as provided by law, or as provided in the applicable collective bargaining agreement.
12. If a complaint is determined by the investigating officer to be a violation of section 718.6, the investigating officer shall be responsible for filing the necessary paperwork with the county attorney's office in order for the county attorney to make a determination as to whether to charge the person with a violation of section 718.6.
13. An officer shall have the right to pursue civil remedies under the law against a citizen arising from the filing of a false complaint against the officer.
14. Notwithstanding any other provision of state law to the contrary, an officer shall not be denied the opportunity to be a candidate for any elected office as long as the officer's candidacy does not violate the federal Hatch Act, 5 U.S.C. § 1501 et seq. An officer may be required, as a condition of being a candidate, to take a leave of absence during the campaign. If the officer is subject to chapter 341A and is a candidate for county sheriff, the

candidate, upon the candidate's request, shall automatically be given a leave of absence without pay as provided in section [341A.18](#).

15. An officer shall have the right, as any other citizen, to engage in political activity except while on duty as long as the officer's political activity does not violate the federal Hatch Act, 5 U.S.C. § 1501 et seq. An officer shall not be required to engage in political activity by the officer's agency, a representative of the officer's agency, or any other agency.

16. An officer shall not be discharged, disciplined, or threatened with discharge or discipline in retaliation for exercising the rights of the officer enumerated in this section.

17. The rights enumerated in this section are in addition to any other rights granted pursuant to a collective bargaining agreement or other applicable law.

18. A municipality, county, or state agency employing an officer shall not publicly release the officer's official photograph without the written permission of the officer or without a request to release pursuant to chapter [22](#).

19. If a formal administrative investigation results in removal, discharge, suspension, or disciplinary action against an officer, and the officer alleges in writing a violation of the provisions of this section, the municipality, county, or state agency employing the officer shall hold in abeyance for a period of ten days any punitive action taken as a result of the investigation, including a reprimand. An allegation of a violation of this section may be raised and given due consideration in any properly authorized grievance or appeal exercised by an officer, including but not limited to a grievance or appeal exercised pursuant to the terms of an applicable collective bargaining agreement and an appeal right exercised under section [341A.12](#) or [400.20](#).

Copy provided to Officer \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

Copy of Internal Affairs Report Summary Provided by \_\_\_\_\_

Date \_\_\_\_\_