



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 136C

Effective Date 04/28/2004

Policy Name Prohibition Against Retaliation

Approved Date 04/15/2004

Approved by *Wendell Franklin, Chief of Police*

Previous Date NEW

PURPOSE OF CHANGE:

To update policy format.

POLICY:

All forms of retaliation directed at any officer or civilian raising matters of public concern including but not limited to claims of racial, gender, religious, or national origin discrimination or other rights conferred by the Constitution and laws of the United States, the Constitution and laws of the State of Oklahoma, or the Consent Decree are prohibited. The right to be free from retaliation shall include those who assert such matters on behalf of others. It shall not include protection for those who raise issues of personal interest. Any form of retaliation against any officer or civilian who participates in any fashion in assisting a person bringing a complaint alleging that their rights have been violated is forbidden.

The Department encourages all employees to bring such matters through the chain of command or directly to the Chief of Police or the Mayor. The Department affords the right of all those who raise matters in this manner to the same protection from retaliation.

Supervisors who fail to investigate and take appropriate corrective action upon receiving written notice of specific acts of retaliation against any officer under their command will be disciplined. Persons in the chain of command will be held accountable for eliminating retaliation directed at any officer under their command.

APPLIES TO: All police personnel

SUMMARY: To define and prohibit retaliation.

DEFINITIONS:

RETALIATION – an action motivated by a desire to punish a person for the exercise of First Amendment rights which alters the terms and conditions of employment, including but not limited to: giving unfair evaluations, initiating a disciplinary action, giving excessive punishment for a disciplinary infraction, failing to back or assist another officer, or giving unfavorable assignments. This limits retaliation to changing the terms and conditions of employment and does not extend it to the trivial.

PROCEDURES: None

REGULATIONS:

1. Any form of retaliation against any officer or civilian who participates in any fashion in assisting a person bringing a complaint alleging that their rights have been violated is forbidden.
2. Supervisors will investigate and take appropriate corrective action upon receiving written notice of specific acts of retaliation against any officer under their command.

REFERENCES:

Johnson, et al. v. City of Tulsa, No. 94-CV-39-H(M) *Consent Decree*, Section 13.1 – 13.4