



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 # 304A

Effective Date 06/26/2025

Policy Name Complaints Against Police Employees

Approved Date 06/26/2025

Approved by Dennis Larsen, Chief of Police

Previous Date 11/20/2024

PURPOSE OF CHANGE:

Updated to include the Disciplinary Acceptance Agreement

POLICY:

Alleged or suspected misconduct by departmental personnel will be promptly and thoroughly investigated. This includes complaints against all members of the Tulsa Police Department (sworn officers, civilian employees, or temporary personnel).

Complainants may initiate a complaint against an employee in person, by telephone, by mail, by fax, or on the Tulsa Police website. An anonymous complaint may be received in oral or written form and will be investigated to the same extent as all other complaints.

All complaints must be received within one year of the date of the incident. After one year, the complaint will be reviewed on a case-by-case basis for investigation.

Incidents to be investigated are alleged or suspected violations of statutes, ordinances, departmental rules, civil service rules, and contractual breaches. Incidents include:

1. Those reported by the public, including prisoners.
2. Those observed by officers, supervisors, or commanding officers.
3. Those uncovered by routine police intelligence activities or investigations.
4. Those reported by members of the Department to supervisors or commanding officers.

All personnel will perform the duties and assume the obligation of their rank during an investigation. Police personnel will cooperate fully with members of Internal Affairs (IA) or any other member of the Department conducting such an investigation.

Supervisory and command personnel will initiate investigations when the subject complained of, or observed in an infraction, falls within the scope of their authority. They will not look to higher authority for the initiation of this action.

Discipline is a function of command. The responsibility for the conduct of such investigations normally rests within the established chain of command unless otherwise assigned by the Chief of Police.

During administrative investigations, it shall be the duty and responsibility of all police personnel to truthfully, fully, and directly answer any and all questions asked by the investigating officer relating to:

1. Their duties as a member of the Tulsa Police Department.
2. Their fitness for office or the fitness of another member of the Department.
3. Investigations of violations of state and federal laws and/or ordinances of the City of Tulsa.

All investigations shall assess the propriety of all conduct during the investigation, including the actions taken by all persons in the officer's chain of command. Investigative reports shall reflect any findings of misconduct including that of

the chain of command.

In all Department-level or division-level investigations directed by the Chief of Police, or designee, all interviews of complainants, officers or witnesses, shall be recorded. Upon request by complainants, officers, or witnesses, a transcript of the recorded interview may be prepared, at the sole discretion and direction of the Chief of Police. These recordings shall be maintained in the investigation file.

There shall be no automatic preference of an officer's statement over a complainant's statement in an investigation. Credibility determinations shall include, but not be limited to, consideration of the officer's history of complaints and disciplinary records and the complainant's criminal history for crimes involving truth and veracity. Such credibility determinations shall be explained fully in the investigative report.

All stages of the disciplinary process will remain free of racial and/or gender discrimination, to include the initiation of a disciplinary investigation, the decision to bring disciplinary charges, the resolution of a disciplinary action, and the punishment given to an employee found to have violated a Department regulation or policy.

SUMMARY: Procedures for receiving, investigating, and disposing of complaints against police personnel.

APPLIES TO: All police personnel

DEFINITIONS: NONE

PROCEDURES:

A. RECEIVING COMPLAINTS

1. Alleged or suspected violations of a serious nature will be reported immediately to the Chief of Police by the employee who first receives information of the alleged violation, even when it is believed to be unfounded.
2. If the Chief of Police is unavailable, the employee will notify the acting Chief of Police, Staff Duty Officer, the Internal Affairs Commander, or the On-Call Captain.
3. Employees who receive an oral or written complaint from a citizen shall contact a supervisor. However, if a supervisor is not available or cannot be contacted, it is the responsibility of the employee to complete the necessary forms as outlined in Procedure #4.
4. When a supervisor is called to respond to a complaint or concern of a citizen, the supervisor shall document the complaint or concern.
 - a. The supervisor shall document the complaint or concern with a BlueTeam Supervisor Contact form.
 - b. The citizen may complete additional written documentation, which the supervisor shall attach to the BlueTeam Supervisor Contact form. The supervisor shall forward the complaint and any action they have taken in response to it to the Chief of Police, or designee, through the chain of command. Each person in the chain of command shall ensure that such complaints are handled appropriately.
5. It is the duty of all police personnel to notify appropriate supervisors and to intervene when the personnel have a realistic opportunity to attempt to take reasonable steps to prevent harm if they observe another agency employee or other public safety personnel engage in any unreasonable use of force or an inappropriate due process procedure or if they become aware of any violation of department policy, state or federal law, or City of Tulsa ordinance related thereto.

B. ASSIGNMENT OF INVESTIGATIONS

1. The Chief of Police, or designee, may refer a complaint to IA for an independent investigation. IA shall conduct a thorough investigation and submit a written report of the results of the investigation to the employee's Division Commander, Director, or Manager within 90 days of referral.
2. The Chief of Police, or designee, may conduct a preliminary investigation and then refer a complaint to the appropriate division. The Division Commander will be responsible for ensuring that a thorough investigation is completed and the results of the investigation are submitted to the Division Commander within 90 days of referral.

C. DUTIES OF IA

1. Generally, IA shall investigate, but not be limited to, the following:
 - a. Excessive force, brutality, and abuse.
 - b. Violations of civil rights.
 - c. Incidents involving moral turpitude.
2. Any police action that results in serious injury or death of another.
 - a. Administrative investigations of criminal allegations, when directed by the Chief of Police.
3. The assigned investigator will notify the employee in writing, through the chain of command, that a complaint was received and will be investigated. The employee will be advised of the allegations of the complaint as well as their rights and responsibilities relative to the investigation.
4. The investigator will notify the complainant that the complaint is being processed and will notify the complainant of the status of the complaint if the process takes longer than 90 days.
5. IA investigators may assist divisional supervisors with investigations as needed when approved by the IA Commander.
6. In circumstances where an employee feels threatened by a false accusation or situation involving false evidence, the employee may request an Internal Affairs investigation into the matter. The employee shall direct any such request to the Chief of Police, or designee, who has authority to approve or disapprove the request.
7. IA will maintain investigative files of all complaints assigned by the Chief of Police, or designee, and make proper entries in personnel files.
8. IA will prepare cases for civil service hearings when so directed by the Chief of Police.

D. DIVISIONAL INVESTIGATIONS

1. The Division Commander will review the complaint and decide whether the complaint qualifies for the Citizen Complaint Resolution Process (CCRP).
2. The Division Commander will forward the complaint and the method of investigation to be used (CCRP or administrative investigation process) to the appropriate captain or supervisor.
3. If an extension is needed for an investigation, the Divisional Investigator will request the extension from the Division Commander. If granted, the Division Commander or designee will notify IA of the extension.
4. The Division Commander shall submit the results of the investigation with a recommendation conforming to section G, below, through the chain of command to the Chief of Police within 60 days.

E. ADMINISTRATIVE INVESTIGATIONS

1. The individual assigned as the investigator shall be one or all of the following:
 - a. A member of the division to which an investigation has been assigned.
 - b. A member of IA assigned to conduct the investigation.
 - c. Any other person so designated by the Chief of Police.
2. The investigator assigned to the case shall notify the employee through their chain of command that a complaint has been received and will be investigated. The investigator shall also notify the FOP President in accordance with the *Collective Bargaining Agreement*, Article 11.2.
3. The investigator will inform the affected employee's chain of command of developments in the investigation which may be relevant to the decision to:
 - a. Retain the employee in their present assignment.
 - b. Assign the employee to limited duty (See P&P 302C) where they are under close supervision and have limited contact with the public or with other police employees.
 - c. Excuse the employee from duty by placing him or her on administrative leave. The Chief of Police will promptly review and approve or discontinue any such excuse from duty, based on the severity of the complaint, pending the outcome of the investigation.
4. Drug or alcohol testing may be conducted on any City of Tulsa employee when there is reasonable suspicion of substance abuse in the workplace. Supervisors will refer to and follow procedures outlined in the *Collective Bargaining Agreement*, Appendix (F) Drug Testing Policy.
5. Bargaining unit members may only be asked to participate in polygraph examinations in investigations involving theft and in no circumstances shall results be introduced, referenced, or admitted in to evidence, or relied upon during any pre-action hearing, grievance, or arbitration or any other hearing or discussion related to discipline of an officer.

F. DISCIPLINARY ACCEPTANCE AGREEMENT

1. The Disciplinary Acceptance Agreement is an opportunity for an employee and the Department to resolve open discipline investigations by agreeing to a lesser level of discipline than the misconduct would typically warrant. The agreement is intended to benefit the accused employee by allowing the employee to take responsibility for the misconduct and condense the investigation and discipline process by admitting to wrongdoing and accepting discipline.
2. The only discipline that can be issued under a Disciplinary Acceptance Agreement is either a Division Letter of Reprimand or Documented Counseling.
3. The Chief of Police, in his or her discretion, may offer a Disciplinary Acceptance Agreement when the Chief determines that corrective action can be achieved by allowing the employee to accept responsibility for their misconduct and receive a one-level lower discipline than the misconduct typically would warrant. To determine whether to extend a Disciplinary Acceptance Agreement, the Chief can consider any relevant factor, including the nature and severity of the misconduct, the employee's service and disciplinary record, and mitigating or aggravating circumstances. There is no right to receive a Disciplinary Acceptance Agreement, and the failure to receive one is not grievable or actionable; the Chief can change or discontinue its use at any time.
4. An employee may self-report policy violations or misconduct and request consideration for a Disciplinary Acceptance Agreement. An employee's chain of command can also recommend that the employee be considered for one.

5. An employee is not eligible for a Disciplinary Acceptance Agreement if they previously have been disciplined for the same or similar misconduct or rule violation within the last twelve (12) months or if they previously had a Disciplinary Acceptance Agreement within the last twelve (12) months.
6. If offered, the employee has two (2) work days to either accept and sign the Disciplinary Acceptance Agreement or proceed through the established disciplinary procedure. By accepting it, the employee and the FOP Lodge #93 voluntarily waive any and all related grievances, claims, or lawsuits, and the employee will receive discipline that is one step lower than warranted, which is either a Divisional Letter of Reprimand or Documented Verbal Counseling.
7. The Disciplinary Acceptance Agreement is voluntarily made and agreed to by the Tulsa Police Department, the employee, and the FOP Lodge #93.
8. The Agreement is finalized on the Disciplinary Acceptance Agreement form after the discipline of a division letter or documented counseling is issued and signed by the employee, the employee's supervisor, and the FOP Lodge #93 President or designee.

G. CITIZEN COMPLAINT RESOLUTION PROCESS (CCRP)

1. The types of complaints/allegations eligible for CCRP are those involving:
 - a. Courtesy or unprofessional attitude.
 - b. Lack of police service.
 - c. Improper procedure (i.e., issues involving policy and procedures, or rules and regulations).
 - d. Allegations of unnecessary restraining force (i.e., the type of force used when taking a suspect into custody).
2. Employees who have received three CCRP complaints within the preceding quarter will not be eligible for the CCRP method of investigation.
3. Upon receipt, the Division Commander will review the complaint and assign it to the appropriate captain for investigation.
4. Investigations will not be conducted by an officer of the same rank but will be conducted by a lieutenant or above.
5. The captain will ensure there is no additional information that would keep the complaint from being worked in the CCRP format and assign the complaint to the complaint resolution investigator. If additional information is uncovered suggesting the complaint should not be worked in the CCRP format (e.g., if the investigation uncovers allegations that are more serious and were not present in the initial complaint), the investigating supervisor will refer the complaint back to the captain and advise the employee involved.
6. After the investigation is completed, the investigating supervisor will schedule a resolution meeting at the affected employee's division with the complainant and involved employee.
7. If the complainant fails to attend the scheduled meeting, the investigating supervisor shall attempt to schedule a second meeting. If the complainant fails to attend the second scheduled meeting, the complaint will be deemed Resolved.
8. The meeting will be conducted by the investigating supervisor.
9. Investigating supervisors will make the final determination of what non-disciplinary action will be taken as a result of their investigation (i.e., routine verbal counseling, training, etc.).
10. The investigator shall include the results of the investigation in the BlueTeam case file and shall forward the resolved complaint through the chain of command to the Chief of Police.

11. Copies of all CCRP complaints will be maintained at IA.

H. CLASSIFICATION OF COMPLAINT

1. All CCRP complaints will be classified as Resolved. Any action taken or any information related to and including the final determination of a CCRP complaint shall not constitute or be used as a basis for any discipline.
2. When an administrative investigation has been completed, the Chief of Police will classify the complaint in one of the following ways:
 - a. Unfounded – The general facts described in the allegation are demonstrably false; or there is no credible evidence indicating the incident occurred, and no reasonable means of obtaining any such evidence exists.
 - b. Exonerated – The general facts described in the allegation occurred, and the preponderance of the evidence indicates the employee's conduct was lawful and proper.
 - c. Not Sustained – Some evidence exists indicating the general facts described in the allegation occurred, but not of sufficient quality or quantity to prove whether the employee acted properly or improperly.
 - d. Sustained – The general facts described in the allegation occurred, and the preponderance of evidence indicates the employee's conduct was improper.
 - e. Closed – Cases may be closed at the discretion of the Chief of Police when no allegations have been made against identifiable persons currently employed by the Tulsa Police Department, and no reasonable means of identifying unknown subjects of any allegation exists.
 - f. Withdrawn – The Complainant has withdrawn their complaint subject to the requirements of section H.
3. No written response shall be forwarded to the complainant without prior approval of the Chief of Police.
4. Once the investigation is complete, the Chief of Police, or designee, will notify in writing the complainant, the employee, and the employee's division commander, of the disposition of the complaint, including whether or not disciplinary action was taken.

I. WITHDRAWAL OF COMPLAINTS

1. Investigations due to complaints of racial discrimination, use of force, or harassment shall not be closed because the complainant withdraws the complaint or is unavailable to give a statement without rendering a disposition and appropriate discipline. Complaints shall be investigated to the fullest extent possible to determine whether the complaint can be corroborated and what circumstances lead to the withdrawal of the complaint.
2. If within a three-year period the Department receives three requests to withdraw complaints against any employee, upon receipt of the third request, the Department shall refuse that request and proceed to investigate fully the present complaint as well as those which have been withdrawn.
3. The investigator should obtain a signed statement from the complainant indicating they wish to withdraw the complaint, unless circumstances make it impractical to do so.

J. DIVISIONAL FILE REVIEW

1. In accordance with the Collective Bargaining Agreement and this policy, qualified documents will be purged and expunged from divisional files and forwarded to IA.
2. Only IA is authorized to destroy purged and expunged documents.
3. During mid-year counseling sessions, immediate supervisors of all sworn personnel will conduct a review of employee divisional personnel files for documents to be purged and expunged.

4. Counseling documentation shall be purged and expunged after the passage of one (1) year from divisional files but shall be retained in Internal Affairs in accordance with the City of Tulsa Records Retention Policy.
5. Division Letters of Reprimand shall be purged and expunged after the passage of one (1) year from divisional files but shall be retained in Internal Affairs in accordance with the City of Tulsa Records Retention Policy.
6. Department Letters of Reprimand and Vacation Reductions and Suspensions shall be purged and expunged after the passage of two (2) years from divisional files but shall be retained in Internal Affairs in accordance with the City of Tulsa Records Retention Policy.
7. Orders of Demotion shall be purged and expunged after the passage of five (5) years from divisional files but shall be retained in Internal Affairs in accordance with the City of Tulsa Records Retention Policy.
8. Employees shall not be prevented from applying for internal positions within the department after six (6) months after a Letter of Reprimand, Vacation Reduction, Suspension, or Order of Demotion is received.
9. Pursuant to the CBA the above provisions shall not apply to discipline for employment discrimination or harassment workplace incidents. Pursuant to the CBA that if the discipline relates to dishonesty by the Employee being disciplined the time periods for purging and expunging shall be increased to two years for counseling documentation, two years for Division Letters of Reprimand, and five years for Department Letters of Reprimand, and seven years for Suspensions, Vacation Reductions, and Orders of Demotion.

*NOTE See American Federation of State, County and Municipal Employees (AFSCME) Office Technical (OT) & Administrative Technical (AT) and AFSCME Emergency Communications collective bargaining agreement Section 13.4 for counseling procedures for employees covered by this agreement.

10. An Employee shall be allowed to review his/her personnel file under appropriate supervision at any reasonable time and challenge any information maintained in the file. No complaint whether founded, unfounded, or not sustained will be maintained in an employee's personnel file without a disposition.

REGULATIONS:

1. Investigations shall be considered confidential and handled as such.
2. Complaint investigation files are not a matter of public record and shall only be retained in IA.
3. All interviews of complainants, officers, or witnesses shall be recorded in all administrative investigations.
4. Where the Open Records Act requires a final disciplinary action to be released, the Personnel Order shall be the document to be released regarding such action.
5. IA will compile and forward an annual statistical report to the Chief of Police. This report will also be made available to the public.
6. In sustained cases, a notation of the administrative action taken will be placed in the affected employee's departmental and divisional personnel files, as well as the employee's IA file.
7. No complaint, whether founded, unfounded, or not sustained, will be maintained in an employee's personnel file without a disposition.
8. Whenever counseling is used by a supervisor with the intent of disciplining the subordinate, the counseling shall be documented.

9. When a supervisor is called to respond to a complaint of a citizen, the supervisor shall document the complaint by completing a Supervisor Contact report in BlueTeam. The supervisor shall forward the completed report to the chain of command of the employee being complained upon.
10. If a sustained complaint results in disciplinary action, the supervisor administering the discipline shall include documentation of the action in the BlueTeam case file.
11. It is the duty of all police personnel to notify appropriate supervisors and to intervene when the personnel have a realistic opportunity to attempt to take reasonable steps to prevent harm if they observe another agency employee or other public safety personnel engage in any unreasonable use of force or an inappropriate due process procedure or if they become aware of any violation of department policy, state or federal law, or City of Tulsa ordinance related thereto.

REFERENCES:

101A, *Use of Force*
304B, *Pre-Action Hearings*
304C, *Employee Tracking and Assistance Program*
306, *Performance Evaluations*
Collective Bargaining Agreement