



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 306 – Officer Concern Program

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.01 INTRODUCTION

This procedure creates a program for identifying officers with a pattern of behavior which could signal potential problems which may prove detrimental to the officer and that may require non-punitive departmental intervention efforts.

.02 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Administrative Review	Deactivated Cases
Officer Case Study	Plan of Action
Referral	Significant Behavioral Infraction

.03 OFFICER CONCERN PROGRAM

- A. The Officer Concern Program identifies unacceptable behavioral traits in officers before those behavioral traits develop into disciplinary problems for the officer and the Department.
- B. Once an officer with unacceptable behavior traits is identified, the officer may be referred to the Officer Concern Program for a review.
- C. The Officer Concern Program Board will conduct a review of the referred officer and, when appropriate, formulates a Plan of Action in an attempt to address the officer’s undesirable behavior.

.04 REFERRALS TO OFFICER CONCERN PROGRAM

- A. There are three (3) methods for referring officers who are identified as having unacceptable behavioral traits to the Officer Concern Program. The three (3) methods for referrals are:
 1. Referrals by the Chief of Police: The Chief of Police has the prerogative to place an officer directly into the Officer Concern Program.
 2. Referrals by Supervisors: Immediate and intermediate supervisors may initiate a referral by submitting a written report through the chain of command to the respective Division Commander.
 - a. The report must detail the reasons why the supervisor has determined that the officer should be placed in the Officer Concern Program and must be supported by documentation, statements, etc. These referrals are especially important, since immediate and intermediate supervisors work closely with their subordinates and are more familiar with their work habits.
 - b. Referrals of officers to the Program may be for any unacceptable or undesirable behavioral traits. Some common reasons for referrals of officers to the Officer Concern Program include, but are not limited to, the following:
 - (1) Complaints of rudeness (internal and external complaints);
 - (2) Deterioration of work quality or quantity;



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 306 – Officer Concern Program

- (3) Tardiness;
 - (4) Reasonable suspicion of substance abuse;
 - (5) Vehicle crashes;
 - (6) Poor performance evaluations;
 - (7) EEO complaints; and
 - (8) Tort cases against the City due to officer's actions.
3. Computer-Generated Referrals: The Internal Affairs Unit maintains a computer database on all complaints made against officers. Referrals to the Officer Concern Program may be computer-generated by the number and type of complaints during any continuous eighteen (18) month period:
- a. One (1) sustained formal complaint involving:
 - (1) Physical mistreatment of prisoners;
 - (2) Force;
 - (3) Family violence;
 - (4) Alcohol or drug abuse;
 - (5) An act resulting in the complainant being seriously injured;
 - (6) Racial/Biased Profiling;
 - (7) Insubordination; or
 - (8) Significant Behavioral Infraction
 - b. Three (3) complaints in any combination of the following:
 - (1) Formal complaints;
 - (2) Administrative reviews;
 - (3) Deactivated cases, based solely on complainant waiver.
 - c. One (1) criminal activity complaint supported by credible evidence or which results in an arrest, or formal charges by "indictment," "information," "complaint," or other charging instrument.
 - d. Four (4) complaints comprised of any combination of formal or line complaints. Complaints which are addressed through the chain of command are considered line complaints for the purpose of this procedure.
 - e. Three (3) chargeable city vehicle crashes within a eighteen (18) month period.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 306 – Officer Concern Program

- f. Any combination of four (4) driving-related complaints and/or chargeable city vehicle crashes within a eighteen (18) month period.

.05 OFFICER CONCERN PROGRAM BOARD

- A. The Officer Concern Program Board, hereafter referred to as the Board, is comprised of seven (7) voting members appointed by the Chief of Police. The members are of the following ranks:
 - 1. A Division Commander who serves as the chairperson;
 - 2. A Captain;
 - 3. A Lieutenant;
 - 4. A Sergeant;
 - 5. A Detective-Investigator; and
 - 6. Two (2) Police Officers.
- B. Board members must have a minimum of five (5) years seniority with the Department and must not have incurred a suspension during the previous twelve (12) months.
- C. Board members serve six (6) month terms.
- D. All Board members shall sign a pledge of confidentiality.
- E. Five (5) Board members must be present to conduct a hearing.
- F. A non-voting Staff Psychologist will be appointed to the Board.
- G. A non-voting specialist may also be appointed to the Board by the Board Chairperson.

.06 PRELIMINARY REVIEW PANEL

- A. The Preliminary Review Panel is comprised of three (3) officers of any rank from the existing Board.
 - 1. Two (2) members are appointed by the Chief of Police.
 - 2. One (1) member is appointed by the San Antonio Police Officers' Association.
- B. Preliminary Review Panel members serve the same six (6) month terms as the existing Board members.
- C. All three (3) Preliminary Review Panel members must be present to conduct a preliminary review of an officer case study. The subject officer does not appear before the Preliminary Review Panel.
- D. The Preliminary Review Panel will review the case studies prepared for officers who have become candidates for the Officer Concern Program to determine which cases should be reviewed by the entire Board.
- E. The Preliminary Review Panel only reviews officer case studies where the recommendations for the majority of the complaints which caused the referrals are either unfounded for formal complaints or no disciplinary action for line complaints.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 306 – Officer Concern Program

- F. The Preliminary Review Panel will determine by majority vote whether or not to send the officer's case study to the entire Board for review.
 1. The Preliminary Review Panel will notify the Board Chairperson of its decision in writing.
 2. Case studies not forwarded to the entire Board for review are returned to the Officer Concern Program Coordinator and will remain on file in that office.
 3. In cases not forwarded to the Board, an officer will again become a candidate for the program if an additional complaint is received within eighteen (18) months of the original complaint which caused the referral.

.07 OFFICER CONCERN PROGRAM PROCESS

A. Officer Notification

1. The Officer Concern Program Coordinator notifies the officer, in writing, he/she is a candidate for the Officer Concern Program.
2. The Officer Concern Program Board Chairperson notifies the officer as to the date and time his/her presence is required at a Board hearing.
 - a. The officer's presence at the Board hearing is mandatory; and
 - b. The officer may have a supervisory officer present, but the supervisor's presence is optional and voluntary.

B. Board Hearing

1. The Officer Concern Program Coordinator briefs the Board on the officer case study.
2. The officer candidate is allowed to participate in the Board hearing to provide additional information and to explain the behavior in question. The officer is then excused while the Board members deliberate.
3. The Board members discuss the case and, by written secret ballot, make recommendations whether or not to enter the officer into the Officer Concern Program.
 - a. If the majority vote is to enter the officer into the Officer Concern Program, the Board develops a "Plan of Action" to be recommended to the Chief of Police for his review and consideration.
 - b. If the majority vote is not to enter the officer into the Officer Concern Program, any additional complaints within the eighteen (18) month cycle will cause the officer to become a candidate again. The eighteen (18) month cycle begins from the date of the complaint which caused the referral to the Officer Concern Program.
4. If the officer is entered into the Officer Concern Program, the Board Chairperson meets with the Chief of Police to review the Board's recommendation and Plan of Action.
5. The Chief of Police may approve, modify, or reject the Plan of Action.
 - a. If the Chief of Police approves or modifies the Plan of Action, a written order is issued to the officer.



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 306 – Officer Concern Program

- b. If the Chief of Police rejects the Board's recommendation or Plan of Action, the officer's status changes to potential candidate.
6. If the Chief of Police approves the Plan of Action, a meeting is called by the Officer Concern Program Board Chairperson and includes the following persons:
 - a. Chairperson;
 - b. Officer (candidate);
 - c. The officer's immediate supervisor;
 - d. The officer's Division Commander;
 - e. A Board member holding the same rank as the officer; and
 - f. If temporary reassignment is part of the Plan of Action, the supervisor responsible for supervision of the officer during the temporary reassignment.
7. At the meeting, the Board Chairperson explains the Plan of Action (written order) to all attendees. The Plan of Action is then signed by the officer and the Board Chairperson.

.08 POST BOARD HEARING ACTIONS

- A. The officer's immediate supervisor monitors the officer's progress while assigned to a Plan of Action and reports his findings to the Board Chairperson, the officer's Captain, and the Officer Concern Program Coordinator on a weekly basis. Should the officer be transferred to another unit or be placed under another supervisor, the initial supervisor responsible for monitoring the officer shall notify the Board Chairperson and the Officer Concern Program Coordinator and notify the officer's new supervisor of the officer's Plan of Action. The new supervisor will then be responsible for monitoring the officer and reporting his findings as described above.
- B. The Officer Concern Program Coordinator advises the Board Chairperson and the officer's Captain of additional incidents which have generated complaints which occur during the officer's assignment to a Plan of Action.
- C. Based on the findings reported by the immediate supervisor and the Board Chairperson, the Board recommends to the Chief of Police whether the officer should be removed from the Officer Concern Program or needs further behavior modification.
- D. Any additional complaints resulting from incidents occurring after the completion of a Plan of Action within the eighteen (18) month cycle will cause the officer to become a candidate again. The Officer Concern Program Coordinator will update the officer's case study and it will be reviewed by the Preliminary Review Panel.
- E. The eighteen (18) month cycle begins on the date that the officer completes the Plan of Action.

.09 OFFICER CONCERN PROGRAM ANNUAL EVALUATION

- A. The Officer Concern Program Coordinator will complete an annual written evaluation of the Officer Concern Program to determine the Program's effectiveness and to recommend any modifications which need to be made. The annual evaluation will be presented to the Chief of Police, and at a minimum, will include the following:
 1. Number of officers referred to the Officer Concern Program during the calendar year;



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 306 – Officer Concern Program

2. Most common method of referral;
3. Most common remedial action taken; and
4. The effectiveness of the Officer Concern Program.