3-01/030.34 - During the Investigation

Actions which punish or appear to punish the complainant and/or witness must be avoided. If the situation requires an immediate separation of the parties, the complainant and/or witness should be allowed administrative leave or transfer to a comparable position of equal hours, distance from home, etc., only if he or she voluntarily requests and/or agrees to do so. In order to afford the complainant and/or witness the maximum amount of confidentiality, any voluntary transfer of a complainant and/or witness shall be arranged directly by the Unit Commander, or Ombudsperson, and through a designated staff member within the Staffing & Item Control Unit, Personnel Services, who will coordinate the transfer with the concerned Division headquarters. If the situation requires an immediate separation of the parties, the subject shall be transferred or reassigned unless the severity of the allegation requires that the subject of the investigation be relieved of duty.

In all but extraordinary circumstances, the party alleged to have violated the policy shall be transferred, reassigned, or placed on leave, and not the complainant and/or witness. In extraordinary circumstances, the decision shall be made by the Division Chief or Director, who will balance the rights of the parties, the situation, and the needs of the Department. Any non-voluntary transfers or reassignments shall be temporary pending the outcome of the investigation and final assessment by the Division Chief or Director.

> **NOTE:** For the purpose of this section, "extraordinary circumstances" includes, but is not limited to, investigations involving managers, supervisors, employees with specialized skills, or any other employee whose transfer would greatly disrupt or impede the effective operation of the Unit.

Any questions or concerns that the complainant and/or witness may have during investigation should be directed to the Internal Affairs Bureau investigator or the Ombudsperson/Career Resources Center. The Unit Commander shall continue to monitor the workplace for any sign of retaliation against any parties of the investigation.

Resolving the Complaint

At the request of the appropriate Division Chief or Director and with the concurrence of the Division Chief of the Professional Standards Division, administrative investigations alleging workplace violence shall be reviewed and a disposition rendered (founded, unfounded, exonerated or unresolved) by the Executive Risk Review Committee pursuant to Policy and Procedures section 5-09/434.20. Internal Affairs Bureau, in accordance with existing laws and regulations, will communicate its findings in writing to the complainant and the subject of the complaint as soon as possible.