3-01/030.12 - Conflict of Interest and Investigative Recusals

Investigator's Duties

Any Department investigator shall remain neutral in their investigations, avoiding any conflicts of interest. When in doubt about the possibility of a conflict of interest, the investigator shall report the information to their unit commander.

Unit Commander's Duties

In furtherance of providing an objective, credible, and transparent investigative product, criminal and administrative investigators shall be recused under the following circumstances:

- When the investigator believes he/she cannot conduct a fair and impartial investigation; and/or
- When the investigator has personal involvement in the matter under investigation; and/or
- When the investigator has a close personal relationship, whether on or off-duty, with any of the parties involved. A close relationship may include, but is not limited to:
    - Current or former familial relationships;
    - Current or former dating or intimate relationships;
    - Current or former business or financial relationships;
    - Personal and social relationships; or
    - Close work relationship (to be determined on a case-by-case basis).

The unit commander shall determine whether to reassign the investigation or limit the investigator's duties with respect to the matter being investigated. Specifically for administrative investigations, in addition to the guidelines above, any subject or witness to an investigation shall be allowed to report a potential conflict of interest to the invesitgator directly, or to the investigator's unit commander.

If there is a report of an actual or potential conflict of interest and the investigator reporting the actual or potential conflict is permitted to assist with the investigation in any manner, the nature of the actual or potential conflict and the reasons for the investigator's continued participation in the matter being investigated shall be documented by the unit commander in a memorandum. The memorandum shall be maintained in an operations office file and shall be provided to the prosecutor in compliance with the investigator's, the unit commander's, and the Department's statutory and constitutional obligations.