

To: Public Safety Chiefs

From: Martin L. Flask, Director
Department of Public Safety

Subject: **The Duty to Avoid the Appearance of Impropriety**

Date: July 20, 2007

It is the policy of the Department of Public Safety to uphold, foster and promote the highest standards of ethics from all of its employees. All Public Safety employees must maintain the highest standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid even the appearance of impropriety in their roles as public servants, and never use their position or power for improper gain or influence.

Public trust is built, in large part, upon the perceptions that citizens have regarding their City employees. Once public confidence is damaged, it is difficult to rebuild. Thus, employees must never compromise their honesty or integrity, and must remain sensitive to the values of the public they serve.

The purpose of this directive is to establish a policy regarding instances in which investigators in the divisions of the Department of Public Safety have occasion to know a witness, co-worker, employee, complainant, or other person involved in an investigation, which give rise to an actual or perceived potential conflict of interest with professional responsibilities and/or which create the appearance of impropriety. Said investigations may be of any type, whether administrative, civil, or criminal in nature.

No investigator shall have a direct or indirect interest in the outcome of an investigation, or have any outside interest that materially interferes with the ability of the division or the Department of Public Safety to fulfill their missions in providing the citizens of Cleveland with fair, unbiased and impartial investigations. Investigators shall not engage in any activity or have any interest that is incompatible with his/her official duties or that would impair his/her independence, judgment or action in the performance of those duties.

If an investigator is assigned an investigation in which he or she has a direct or indirect interest in the outcome of an investigation, or has occasion to know a witness, co-worker, employee, complainant or other person involved in an investigation, which would give rise to an actual or perceived potential conflict of interest with professional responsibilities and/or which would create the appearance of impropriety, the investigator shall immediately notify, in writing, his/her commanding officer that such potential conflict exists. The investigator shall make full disclosure to the commanding officer of the nature of the interest, conflict or appearance of impropriety.

Once the commanding officer becomes aware of a potential conflict or situation which would create the appearance of impropriety, the commanding officer shall take appropriate action to eliminate the conflict of interest or the appearance of impropriety. The commanding officer shall review all pertinent facts and disclosures, and shall determine whether the investigator should continue with the investigation or whether the investigation should be reassigned to an investigator for whom no such conflict exists.

If the commanding officer determines that the investigator should continue with the investigation, the commanding officer shall notify, in writing, the Chief or Commissioner of the division his or her justification for allowing the investigation to continue.

Failure by an investigator to notify the commanding officer of an actual or perceived potential conflict of interest or situation which would create the appearance of impropriety may subject the investigator to disciplinary action.

Public Safety Chiefs and Commissioners shall ensure that each investigator is in compliance with this directive, and shall create such written policies, procedure, SOP's, etc. to reflect the purpose and spirit of this directive.