

INTERNAL INVESTIGATIONS MANUAL

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INTRODUCTION

It is essential that our community has confidence in the internal investigation procedures of the Sacramento Police Department (SPD). Therefore, investigations of allegations of employee misconduct and poor job performance shall be complete, impartial, and timely.

It is equally important that accused employees are afforded every right guaranteed by the Constitution of the United States, the State of California and local laws including Government Code Sections 3300-3309, Sections 3500-3510, California Penal Codes Sections 832.5 and 832.7, Civil Service Board Rules, applicable labor agreements, general orders (GO), and this manual.

GOs 110.01, 220.01, and 220.05 implement this manual and require that all employees read, understand, and adhere to its contents.

To keep this manual contemporary, viable, and useful, all employees shall report through their chain of command to the Chief of Police (COP) any discrepancies between the contents of this manual, current law, and acceptable police procedure.

PERSONNEL COMPLAINTS

A. General

1. Complaints are allegations of misconduct against any Department employee involving a violation of any law, rule, regulation, policy, or other improper job performance.
2. All complaints shall be investigated.
3. The Internal Affairs Division (IAD) is responsible for maintaining the software, which is used to record personnel complaint data, manage internal investigations, automate forms, and provide statistical reports.
4. All complaints shall be retained by the IAD in accordance with Department records retention schedules.
 - a. The IAD shall record and assign all complaints with an "IAD" case number preceded by the year that the complaint was received.
 - b. If known, all complaints shall be associated to Department personnel involved.
5. Complaints may be received from the following sources:
 - a. Internal - Reported by an employee of a federal, state, or local agency (including the City of Sacramento) acting within the scope of their employment, agency, or official position.
 - b. External - Originating from any other member of the public.

B. Acceptance of Complaints

1. All department employees (while on-duty) shall accept any request to file a personnel complaint at any time.
 - a. If available, an employee shall immediately refer the complaint to an available supervisor for acceptance and documentation.
 - b. If a supervisor is not available, employees shall notify their direct supervisor as soon as possible upon receiving a complaint.



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- c. Employees shall not receive complaints regarding their own conduct or performance and shall refer such complainants to their immediate supervisor
2. Complaints shall be accepted in any form (i.e. in person, by telephone, mail, email, etc.).
3. Complaints shall be accepted from any person including, but not limited to:
 - a. A parent or legal guardian filing a complaint on behalf of their juvenile dependent.
 - b. Non-English-speaking persons.
 - c. Third-party complainants.
 - d. Anonymous parties.
4. Employees shall make every effort to find an interpreter for non-English speaking complainants.
5. With their knowledge, a complainant's statement should be recorded using a departmentally-approved recording device (i.e. body-worn camera, in-car camera, audio recording device). The lack of availability of a recording device or if a complainant wishes not to be recorded shall not be justification to refuse acceptance of a complaint.

C. Complaint Documentation

1. All complaints shall be documented on a Personnel Complaint Form (SPD 330) and routed, via email, to:
 - a. Assigned Division Captain/Manager.
 - b. IAD - IAconcerns@pd.cityofsacramento.org.
2. When a Personnel Complaint Form is completed in person, it should be accompanied by a detailed narrative. If this is not feasible, the complaint shall be entered by the receiving employee.
3. The complainant's signature should be obtained on the Personnel Complaint Form. If the complainant refuses to sign the Personnel Complaint Form, the complaint shall still be accepted and documented.
4. Upon request, the complainant shall be provided a copy of their completed Personnel Complaint Form.

D. Personnel Complaint Classifications

1. Conduct Unbecoming an Employee - Behavior that is malicious, criminal, brings discredit upon the department, or fails to follow ordinary and reasonable rules of good conduct while on or off duty.
2. Discourtesy - Rude or abusive actions directed towards another person.
3. Discrimination - Actions or misconduct due to the race, ethnicity, nationality, gender, age, religion, gender identity or expression, sexual orientation, or mental or physical disability of any person.
4. Dishonesty - Knowingly giving false or misleading information.
5. Force - Any unreasonable amount of force, ranging from any physical contact to use of any weapon.
6. False Arrest - Removal of personal liberty without proper authority or legal justification.



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7. Firearm Discharge - Anytime a firearm is discharged in violation of Department policy.
8. Harassment - Any unsolicited or unwarranted employee action or conduct that reasonably appears meant to annoy, threaten, intimidate, or alarm any person.
9. Improper Search and Seizure - A detention, arrest, search, or seizure of an individual's person or property that is unlawful or in violation of Department policy.
10. Improper Tactics - Procedures utilized by an employee that are different from approved practices or procedures.
11. In-Custody Death – Administrative review of an in-custody death incident.
12. Insubordination - Failure or refusal to follow a lawful written or verbal order issued by a superior.
13. Intoxication – On-duty personnel under the influence of any intoxicant.
14. Missing Property - Property that has been in the custody of an employee and becomes unaccounted for or missing. This also includes the misappropriation or theft of funds or property.
15. Neglect of Duty - The failure to perform a required duty.
16. Officer Involved Shooting – Administrative review of an officer involved shooting incident.
17. Profiling - The consideration or reliance on actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability when deciding to subject a person to law enforcement activities. However, an officer may consider or rely on characteristics listed in a specific suspect description.
18. Service - The failure to adequately provide timely and required police action.
19. Traffic - Improper or illegal driving by an employee.
20. Wage Garnishment - Failure to pay just debts.

INVESTIGATIVE PROCESS

A. General

1. Internal investigations may be conducted by either or both the IAD and supervising personnel within an employee's division.
2. Sworn personnel assigned to the IAD and supervising personnel within an employee's division have been given the authority by the Chief of Police (COP) to admonish and interview all employees regardless of rank or assignment.
3. Assigned investigators shall conduct a preliminary investigation to determine the merit of a personnel complaint and identify the nature of the allegation of misconduct.
4. Preliminary investigations shall be documented in one of the following ways:
 - a. A completed Division Investigative Log (SPD 331).
 - b. IAD Case Summary.

B. Types of Investigations

1. Division - Investigation of a complaint that could result in non-disciplinary action (i.e. verbal counseling, documented counseling, training). Such cases may be investigated by the IAD or a supervisor assigned by the appropriate Division Captain/Manager.



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2. Internal Affairs Division - Investigation of a complaint involving a violation that, if sustained, is likely to result in disciplinary action. Such cases shall be investigated by the IAD.
 3. Criminal - An investigation of allegations of criminal conduct against an employee. Criminal investigations are independent and separate from Division and Internal Affairs Division investigations. The COP has the discretion to initiate an internal investigation of any employee who has been identified as the subject of a criminal investigation.
- C. Administrative Procedure
1. An employee's Division Captain/Manager, or designee, shall:
 - a. Determine complaint classifications in concurrence with the appropriate Office Chief.
 - b. Identify the type of investigation to be conducted after reviewing the following, but not limited to:
 - i. Completed Personnel Complaint Form
 - ii. Division Investigative Log
 - iii. IAD Case Summary
 - iv. IA records
 - c. All excessive force complaints shall be investigated by the Internal Affairs Division.
 2. At any stage, the COP or designee, may reclassify the type of internal investigation or adjust any allegation(s) of misconduct.
- D. Guidelines for Investigations
- IAD investigators and supervising employees conducting internal investigations shall consider the following:
1. To maximize confidentiality and integrity of internal investigations, ensure that all case and supporting documents are secured (i.e. locked office, cabinet, drawer) and not left unattended.
 2. All investigative steps shall be documented in at least one of the following ways:
 - a. Division Investigative Log
 - b. IAD Investigative Log or Case Summary
 - c. Memorandum
 - d. Email correspondence
 3. Review CAD calls, reports, forms, location history, and audio and video recordings for facts pertaining to the alleged misconduct.
 4. During the initial stages of the investigation, only complainants and witnesses should be interviewed.
 5. All complainant and witness interviews shall be recorded utilizing a departmentally-approved recording device. If statements are not recorded, such reasoning shall be documented.
 6. All persons shall be notified that their interview is being recorded.
 7. Reasonable efforts shall be made to interview the original complainant and any witnesses. If contact cannot be made, the assigned investigator shall attempt at least two different forms of communication to include, but not limited to:



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- a. Telephone call
 - b. Letter by mail or email
 - c. In-person contact or visit
8. All transcribed statements, reports, and summaries shall be verified for accuracy and bear the name of the investigator.
 9. Investigations stemming from an arrest, citation, civil litigation, or other hearing may be placed in suspense. Preliminary investigative steps should be taken, but the accused employee should not be interviewed. When an investigation is placed in suspense, the investigator shall:
 - a. Advise the complainant of the suspense status.
 - b. Request that the complainant contact the investigator upon conclusion of the mitigating hearing.
 - c. Provide a follow-up letter or email with an explanation of the case suspense procedure.
 10. Investigations shall be completed as soon as reasonably possible.
 11. A summary of the investigation shall be completed by the investigating employee and included for administrative review when the case is completed.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

A. General

1. All investigations shall be conducted consistent with the rights and privileges secured under the Constitution of the United States, the State of California and local laws including Government Code Sections 3300-3309, Sections 3500-3510, California Penal Codes Sections 832.5 and 832.7, Civil Service Board Rules, applicable labor agreements, general orders (GO), and this manual.
2. Employees involved in personnel complaint investigations shall fully and truthfully cooperate with interview requests.
3. Employees refusing to respond to questions or fully cooperate shall be given a direct order to do so.
4. Employees disobeying any direct order to fully respond, or answer shall be considered insubordinate.

B. Interviews

1. Interview notifications should be facilitated via email or telephone. Employees shall be advised of the following:
 - a. Whether the employee is a witness or principal (accused)
 - b. Classification(s) of misconduct
 - c. Nature of the investigation
 - d. Date, time, and location of the interview
2. If the employee cannot be contacted at work, the investigator shall attempt to contact the employee at home or send notification via certified mail.
3. In-person interviews of accused employees should generally be conducted by the IAD. However, supervising personnel may talk with an accused employee during the normal course of duty for counseling, instruction, and resolution of issues that, if sustained, would likely result in non-disciplinary action.



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- a. The accused employee should not be interviewed until all reasonable efforts have been made to otherwise investigate the case.
 - b. Nothing in this section shall prevent a supervisor from talking with or questioning an employee regarding a situation for which the supervisor reasonably believes the employee would not be subjected to discipline.
 4. At the beginning of each interview, employees shall be read the appropriate admonition verbatim:
 - a. Witness Admonishment (SPD 332A) - All employees identified as potential witnesses to allegations of misconduct committed by another.
 - b. Administrative Admonishment (SPD 332B) - All employees accused of misconduct that is non-criminal in nature.
 - c. Lybarger Admonishment (SPD 332C) - All employees accused of misconduct that is, or could be, criminal in nature.
 5. Division Investigation employee statements shall:
 - a. Be conducted at the direction of the Division Captain/Manager or designee.
 - b. Only be received as a written document.
- C. Written Documents
1. When a written response is requested from an employee, a Written Document Non-Waiver Form (SPD 332D) shall be acknowledged and signed by the employee.
NOTE: Refusal to sign the waiver shall be documented by the investigator. The employee shall have the form read verbally and be given a direct order to respond fully and truthfully in writing.
 2. Written responses shall include, but are not limited to:
 - a. List of all involved employees and witnesses
 - b. All pertinent information relating to the allegation(s)
 - c. Other information relevant to a fair and impartial investigation
 - d. Employee's signature and date
 3. Employees shall be provided the opportunity to have their written documents reviewed by representatives identified in the appropriate labor agreement.
 4. Completed written documents and memorandums shall be sent to the requesting authority as soon as possible, or as ordered.
- D. Administrative Searches
1. When just cause exists, any space furnished by the Department and under the control of a Department employee may be searched by the IAD or supervisor at the direction of the appropriate Division Captain/Manager.
 2. Employee spaces include, but are not limited to, lockers, desks, cubicles, file cabinets, personal storage spaces, Department-issued electronic communication devices, Department-maintained networks, or City-owned vehicles.
 3. No employee shall have their space searched unless one of the following conditions exist:
 - a. The employee is present or consents to the search.
 - b. Notification of the search has been made and reasonable time to respond has expired.



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- c. A valid search warrant exists.
4. Administrative searches shall be conducted as confidentially and discreetly as conditions allow.
5. Employees should consider designating an uninvolved supervisor as a witness.

ADMINISTRATIVE REVIEW

A. General

1. All completed investigations resulting from a complaint shall be reviewed by the appropriate Division Captain/Manager, Office Chief, or the COP.
2. Administrative reviews shall ensure that the investigation is thorough and impartial, contains all facts pertinent to the allegations, and that appropriate interviews were conducted.
3. The COP, or designee, shall have final authority over the administrative review process.

B. Division Investigations

1. Division Captain/Managers shall review preliminary and completed internal investigations conducted by the IAD or assigned supervisor.
 - a. If further follow-up is required, the assigned investigator shall complete the necessary investigative steps and present their findings to the requesting manager.
2. Within 30 days of receipt of a completed internal investigation, the receiving manager should render a personnel complaint disposition for each classification of misconduct.
3. The final personnel complaint disposition shall be approved by the appropriate Office Chief or the COP.

C. Internal Affairs Division Investigations

1. The IAD Lieutenant, or designee, shall present active IAD investigations to the Office of the Chief Captain, Office Chiefs, and the COP on a biweekly basis.
2. The IAD shall submit completed cases to the appropriate Division Captain/Manager, or designee, for review.
 - a. If further follow-up is required, the assigned IAD investigator shall complete the requested investigative steps and present their findings to the requesting manager.
3. Within 30 days of receipt of a completed internal investigation, the reviewing Division Captain/Manager should present to the COP an overview of the following, but not limited to:
 - a. Summary of the incident and facts
 - b. Results of completed investigative steps
 - c. Statements of involved employees, witnesses, and accused employee
 - d. Recommendation and justification of complaint disposition
 - e. Recommendation for disciplinary action
4. The IAD shall facilitate the appropriate disciplinary actions, notifications, and recordkeeping.



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DISPOSITION OF COMPLAINTS

A. General

1. The standard used to determine the disposition of complaints is based on a preponderance of evidence; having a greater weight of evidence or a conclusion based on evidence that is more credible and convincing to the mind.
2. All final complaint dispositions shall be in concurrence with the appropriate Office Chief or the COP. Additionally, all complaint dispositions shall be:
 - a. Documented on a Personnel Complaint Disposition Form (SPD 332)
 - b. Provided to the IAD for recordkeeping

B. Dispositions

Each allegation of misconduct shall receive one of the following dispositions:

1. Exonerated – The investigation clearly established that the alleged act occurred and was justified.
2. Not Sustained – Sufficient evidence does not exist to clearly prove or disprove the allegation.
3. Sustained – Sufficient evidence supports the allegation against the employee(s).
4. Unfounded – The investigation clearly established that the alleged act did not occur, or the identified employee was not involved. This also includes frivolous complaints, which are found to be totally and completely without merit, or those for the sole purpose of harassing an employee.

DISCIPLINARY ACTIONS

A. General

1. Employees are subject to appropriate disciplinary actions if they violate:
 - a. Their oath by committing an offense in violation of the laws or statutes of the United States, the State of California, or ordinances of the City of Sacramento.
 - b. Any provisions of the General Orders of the Department.
 - c. Any lawful order of a superior.
2. The authority to impose any disciplinary actions on a Department employee shall be subject to provisions of the following:
 - a. Charter of the City of Sacramento
 - b. Civil Service Board, Rules and Regulations, Rule 12 – Disciplinary Actions, Appeals, and Hearing Procedures
 - c. Applicable labor agreements
 - d. Approval of the City Manager or designee
3. Non-Disciplinary actions include:
 - a. Verbal counseling
 - b. Documented counseling
 - c. Documented training
4. Disciplinary actions include:
 - a. Letter of reprimand
 - b. Suspension
 - c. Withholding in-grade salary increase
 - d. In-grade salary reduction



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- e. Demotion
 - f. Termination
 5. The COP, or designee, shall have final authority over any imposed disciplinary action.
 6. Counseling sessions, warnings, and reprimands shall be discussed with the involved employee in private.
 7. Employees receiving disciplinary actions should provide their signature to acknowledge receipt of related documents.
 - a. If an employee refuses to sign any documents, the serving supervisor or manager shall write "Refused" in the appropriate area.
 8. Documents of proposed/imposed disciplinary action shall:
 - a. Be provided to the employee.
 - b. Copied to the IAD for recordkeeping.
 9. The IAD shall notify and provide copies of all applicable documents to the appropriate Labor Relations manager.
- B. Concepts
1. Progressive discipline – The process of increasing the severity of corrective actions for repeated behavior.
 2. Education-based discipline (EBD) – The development of an individualized remedial plan with involvement of the employee.
 - a. In lieu of serving some forms of disciplinary actions, employees may seek to enter into a settlement and release agreement with the City of Sacramento. Agreements should contain some or all of the following stipulations:
 - i. Forfeiture of any rights to file suit, officially complain, or appeal intended disciplinary actions
 - ii. Acknowledgement of specific violations
 - iii. Removal from a specialty unit
 - iv. Relinquishment of pay incentives
 - v. Writing assignments based on attendance of structured events such as training, courses, programs, or meetings
 - vi. Book reports
 - vii. Activation of Employee Assistance Program benefits for clinical counseling
 - viii. Indemnity clause to hold the City of Sacramento harmless
 - b. To ensure success and timely completion of an EBD plan, the following aspects should be determined on behalf of the Department:
 - i. Assigning an EBD coordinator (manager)
 - ii. Completion dates and deadlines
 - iii. The number of structured events to attend
 - iv. Minimum word count for written assignments
- C. Procedures
1. Documented counseling:
 - a. Any corrective measure achieved through a documented counseling session.
 - b. Employees shall be encouraged to discuss the situation, respond freely, and leave the session feeling they have been dealt with fairly. They should also have



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- a firm understanding that they shall modify their behavior to conform with Department standards of performance.
- c. Supervisors shall document the session in a memorandum that contains the following:
 - i. Issued date
 - ii. Counseled employee, counseling supervisor, and counseling supervisor's lieutenant/manager
 - iii. Summary of the situation and resulting discussion
 - iv. Signatures of the counseled employee and counseling supervisor
 - d. The originally signed memorandum shall remain inside the employee's division watch file for no more than one year after the issued date and/or in accordance with the current labor agreement.
 - e. Supervisors authoring a memorandum of documented counseling as a result of personnel complaints shall provide IAD with the date/time of issuance for notation in the Summary portion of the IA record.
2. Documented training:
- a. Provided training or retraining to correct an employee's job performance.
 - b. Supervisors shall determine appropriate training opportunities, identify measurable learning objectives, and verify that the employee understands the instructed material.
 - c. Supervisors shall document the training session in a memorandum that contains the following:
 - i. Issued date
 - ii. Trained employee, training supervisor, and training supervisor's lieutenant/manager
 - iii. Summary of the situation, training description, learning objectives, and results
 - iv. Signatures of trained employee and training supervisor
 - d. The originally signed memorandum shall remain inside the employee's division watch file for no more than one year after the issued date, and/or in accordance with the current labor agreement.
 - e. Supervisors authoring a memorandum of documented training as a result of personnel complaints shall provide IAD with the date/time of the training for notation in the Summary portion of the IA record.
 - f. If a memorandum of documented training is issued subsequent to a documented counseling as a result of the same complaint, the documented training shall be attached to the documented counseling and purged at the same time the documented counseling is purged.
3. Letter of reprimand:
- a. A formal letter of reprimand shall only be prepared by the IAD and contain the following:
 - i. Issued date
 - ii. Summary of facts
 - iii. Results of a fact-finding investigation



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- iv. Specific violations
 - v. Notice of further disciplinary action, up to and including termination, if the articulated facts and misconduct continue
 - vi. Review and signature of the employee's Office Chief or designee
 - vii. Approval of the COP or designee and Labor Relations Director or designee
 - b. A letter of reprimand shall not be appealable to the Civil Service Board; however, the employee may have an administrative review by submitting a written request to the Labor Relations Director of Human Resources within seven calendar days and/or in accordance with the current labor agreement.
 - c. A letter of reprimand will be withdrawn from an employee's official personnel file 18 months from the date of issuance provided there has not been additional discipline imposed during the 18-month period, and/or in accordance with the current labor agreement.
 - i. If the employee is subject to additional discipline within the 18-month period, the 18-month period will restart on the date of the new imposed discipline.
 - d. The employee's Division Captain/Manager, or designee, shall serve and provide the employee with the originally signed letter.
- 4. Letter of intent:
 - a. A formal letter of intent to discipline shall only be prepared by the IAD and contain the following:
 - i. Issued date
 - ii. Intended disciplinary action to include: suspension, withholding in-grade salary increase, in-grade salary reduction, demotion, or termination
 - iii. Summary of facts
 - iv. Results of a fact-finding investigation
 - v. Specific violations
 - vi. Skelly response, scheduled meeting, and assigned officer
 - b. Proposed suspensions require the following signatures and approvals:
 - i. Three (3) days or fewer: signature of the employee's Division Captain/Manager and approved by the COP and Labor Relations Officer.
 - ii. More than three (3) days: signature of the employee's Office Chief and approved by the COP, Labor Relations Officer and Labor Relations Manager.
 - c. The employee's Division Captain/Manager, or designee, shall serve the employee and provide them with the originally signed letter.
 - d. The employee has 10 calendar days to complete a Skelly meeting with the assigned officer (uninvolved Division Captain/Manager), unless extended by agreement.
 - i. The Skelly officer may audio record the meeting at their discretion and with consent of the employee.
 - ii. The meeting shall address each policy violation.



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- iii. After the meeting, the Skelly officer shall provide the COP or designee with the contents and any recommended modifications to the proposed discipline.
5. Letter of discipline:
- a. A formal letter of discipline shall only be prepared by the IAD and contain the following:
 - i. Issued date
 - ii. Disciplinary action
 - iii. Summary of facts
 - iv. Results of a fact-finding investigation
 - v. Specific violations
 - b. If, after the investigation and any pre-disciplinary response or procedure, the department decides to impose discipline, the department shall notify the officer in writing of its decision to impose discipline including the date that the discipline will be imposed, within 30 days of its decision, except if the officer is unavailable for discipline.
 - c. Disciplinary actions of termination or demotion shall be administered by the Office of the Chief and require the following signatures and approval:
 - i. Sworn personnel – Signature of the employee’s Office Chief and approval signature of the COP and City Manager or designee.
 - ii. Non-sworn personnel – Signature of the employee’s Office Chief and approval signature of the COP and Labor Relations Director or designee.
 - d. The employee has 15 calendar days to appeal the imposed disciplinary action to the Secretary of the Civil Service Board.

OVERSIGHT

A. Office of Public Safety and Accountability

1. The mission of the Office of Public Safety and Accountability (OPSA) is to improve the relationship between the City’s public safety departments and the community. OPSA has broad oversight authority to evaluate the overall quality of employee performance and encourage systemic change.
2. Under the direction, control, and supervision of the Mayor and City Council, OPSA’s role includes, but is not limited to, the following:
 - a. Track and monitor any internal investigation
 - b. Review completed investigations
 - c. Advise the COP of deficient investigations
3. OPSA shall be given the opportunity to review any personnel complaint, internal investigation, or disposition at any time.
4. The IAD shall be responsible for meeting with (OPSA) to provide information related to all personnel complaints, internal investigations, and dispositions on a biweekly basis.



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NOTIFICATIONS

A. Complainant

1. The IAD shall be responsible for notifying all complainants of the following:
 - a. Initial receipt of a personnel complaint
 - b. Upon request, updates that do not jeopardize the integrity of the ongoing investigation
 - c. Disposition of the completed internal investigation
2. Notifications shall:
 - a. Be sent by letter or email.
 - b. Not indicate the disciplinary action imposed, if any.
 - c. Not refer to the involved employee by name.

B. Employee

1. Internal Investigation Dispositions – In no event shall an accused employee who is the subject of an active investigation be notified of the intended disciplinary action until the appropriate Division Captain/Manager, Office Chief, or the COP has approved and signed the Personnel Complaint Disposition Form.
2. The IAD shall be responsible for ensuring accused employee(s) are notified of the disposition of an internal investigation.
 - a. If the accused employee has already been advised of the disposition of a Division Investigation by their chain of command (i.e., via non-disciplinary action that resulted) IAD shall not send additional communication regarding the disposition.

C. District Attorney

1. When a case is forwarded to the District Attorney's (DA) Office, the accused employee shall be notified by the OOI or CIU of the potential for criminal charges being filed.
2. If the DA has not made a notification of prosecution or non-prosecution within a reasonable amount of time, the OOI or OOC captain shall contact the assigned DA for a case status report.
3. The OOI or IAD captain, or designee, is responsible for obtaining a disposition from the DA's Office and keeping the COP apprised of the status of the criminal complaint.

CIVIL CLAIMS AND SUITS

A. General

In cooperation with the City Attorney's Office and the Risk Management Division, a copy of all lawsuits against the Department or its personnel shall be immediately forwarded to the Government Affairs Unit (GAU). The GAU shall send a copy to PSU for review and recommendations to the COP.

B. Review

The review may include, but is not limited to:

1. An overview of the incident to determine the need for training or referral to IAD for investigation if there may have been an error on the part of the Department.



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2. Indication of a prior complaint to IAD on the part of the claimant and the outcome of that investigation.
3. Forwarding the recommendation and all associated documents to the City Attorney's Office for further investigation and appropriate litigation.
4. Providing copies of reports, policies, procedures, or Department manuals to the City Attorney's Office or Risk Management Division.

PITCHESS MOTIONS

A. General

1. IAD is responsible for accepting motions for discovery of law enforcement personnel records (Pitchess) in accordance with California Evidence Code Section 1043.
2. Upon receiving a notification, IAD personnel shall record the date, time, and server's name and contact information (business card).
3. The City Attorney's Office will determine if the Pitchess was received in a timely manner (no fewer than 21 calendar days before the hearing).

B. Procedure

The IAD investigator assigned a Pitchess motion shall:

1. Review the motion for the named employee and category of misconduct.
2. Notify the named employee via telephone or email.
3. Review the employee's personnel complaints through the officer explorer search results of the IAD software.
 - a. The IAD investigator shall be familiar with all complaints for the employee and should be prepared to summarize complaints if a judge grants the motion.
4. Generate a Pitchess report of the employee's IAD records.
 - a. Each report shall contain each personnel complaint allegation, disposition, and witness contact information.
5. Review the complaints with a representative of the City Attorney's Office prior to the hearing date.
6. Have all of the employee's personnel complaint investigations and corresponding Pitchess request reports ready at the hearing.
 - a. If the motion is granted, the IAD investigator will go in-camera to discuss the personnel complaint(s).
 - i. Only personnel complaints related to the motion's identified categories of misconduct will need to be reviewed.
 - ii. The assigned Deputy City Attorney will deliver arguments specific to the propriety of disclosure of any personnel complaint information.
 - iii. If the judge determines that personnel file information should be disclosed, the IAD investigator shall provide the prepared Pitchess request report.
7. Notify the named employee if information was released.



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RELATED POLICIES

GO 220.01 - Personnel Complaints

GO 220.05 – Disciplinary Actions