

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: June 5, 2015

NUMBER: 1.10 - ADMINISTRATION

SUBJECT: CITIZEN COMPLAINTS, OFFICER-INVOLVED SHOOTINGS, AND IN-CUSTODY DEATHS; RECEIPT, INVESTIGATION, AND ROUTING

RELATED POLICY: 1.10

ORIGINATING DIVISION: INTERNAL AFFAIRS UNIT

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 1.10 – 08/16/2013

I. PURPOSE

This Department procedure establishes guidelines for receiving citizen complaints and identifies the assigned responsibilities in investigating citizen complaints, officer-involved shootings, and in-custody deaths. Information on how to conduct investigations and interviews is in the Internal Affairs Unit Operations Manual.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

A. The community must have confidence in the integrity of the Department, particularly in the exercise of police powers. Allegations of misconduct against members of the Department and complaints of inadequate service are taken seriously and are investigated thoroughly and expeditiously.

B. Department members are often subjected to intense pressures while performing their duties. Officers frequently are required to remain neutral under circumstances that are likely to generate considerable tension, excitement, and emotion. In such situations, words, actions, and events occasionally result in misunderstandings and confusion. A sound internal procedure for thorough and

impartial investigations of allegations arising out of such circumstances is important to each member of the Department. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.

IV. DEFINITIONS

A. Category I complaints – all citizen complaints or allegations lodged against Department members, including volunteers, which involve one or more of the following:

1. Arrest – an allegation that a member knew, or should have known, that there was insufficient probable cause for an arrest. Included are bad faith Fourth Amendment searches.
2. Criminal conduct – an allegation of Federal, State, County, or Municipal law violation(s).
3. Discrimination – an allegation of unequal treatment due to a subject's gender (including gender identity and gender expression), race, color, national origin, ancestry, religion, physical or mental disability, medical condition (including cancer, HIV, and AIDS), age, political beliefs or affiliation, marital status, sexual orientation, lifestyle, or similar personal characteristics.
4. Force – an allegation that more force was used than reasonably necessary. Threats of force are not included.
5. Slur – an allegation of a derogatory term that a reasonable person would recognize as an inherent insult or degradation of another, based upon the subject's gender (including gender identity and gender expression), race, color, national origin, ancestry, religion, physical or mental disability, medical condition (including cancer, HIV, and AIDS), age, political beliefs or affiliation, marital status, sexual orientation, lifestyle, or similar personal characteristics.

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B. Category II complaints – allegations limited to one or more of the following:

1. Service;
2. Courtesy;
3. Procedure;

4. Conduct; or,
 5. Other (specify).
- C. Complaint Control Form (PD-232) - used to record citizen complaints regarding personnel, police services, or Department policies and procedures.
- D. Inquiry - the documentation of a citizen's concern regarding a Department policy(s) and/or procedure(s), which is recorded on a Complaint Control Form (PD-232).
- E. Subject officers/members - personnel against whom a complaint is made, who is the subject of an investigation.

V. CITIZEN COMPLAINT PROCEDURES

A. The Complaint Control Form (CCF) (PD-232)

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1. When a command accepts a citizen's complaint, a CCF will be completed and forwarded to the Internal Affairs Unit. A formal investigation will not be started until Internal Affairs assigns a case number. This will facilitate the accurate maintenance of all complaint investigations and ensure statistics that are more accurate.
2. The CCF is a three-part form. All completed CCFs will be forwarded to the Internal Affairs Unit, where copies will be distributed as follows:
 - a. White copy - Original, used by the investigator to record results of the investigation.
 - b. Green copy - Complainant's copy, forwarded to the Internal Affairs Unit for future mailing to the complainant.
 - c. Pink copy - Control copy, maintained by the Internal Affairs Unit.
3. Upon receiving the CCF, the Internal Affairs Unit will notify the complainant in writing that the complaint has been received. The green copy of the complaint form will be sent to the complainant.
4. The complainant will be furnished with a copy of the form; list only specific information or facts of the complainant's allegations in the summary of the complaint form. Information that should be mentioned or passed on only to the investigator should be recorded on an inter-office memo and attached to the complaint form.

5. It is essential that the information obtained is complete and accurate regarding the specific complaint and allegation(s). The information should include:
 - a. The full name, address (including zip code), and telephone numbers (home and/or cell, and work) of the complainant, as well as any additional information, including an email address, indicating where the complainant may be contacted in the future. Complete military addresses are required from military personnel.
 - b. The specifics of the allegation, including the date, time, and location of the incident.
 - c. The names, addresses, and telephone numbers of all known witnesses.
 - d. The police personnel involved should be identified by name, unit, and ID number, if possible. If the member(s) is not identified on the original complaint, the investigating supervisor will immediately notify the Internal Affairs Unit of the involved member(s) once his or her identity is determined.
 - e. If additional space is required, a memorandum will be used.
6. The “Inquiry Only” box on the CCF will not be checked by the member initially taking the complaint. Inquiry Only designations may only be made by the investigating supervisor's commanding officer.

NEW

B. Accepting Citizen Complaints

1. The following offices receive citizen complaints:
 - a. Office of the Chief of Police;
 - b. Internal Affairs Unit;
 - c. Area Commands;
 - d. Mayor's Office; and,
 - e. Citizens' Review Board on Police Practices.
2. Any citizen complaint, regardless of category, may be lodged at any police facility, at any storefront, at the City Administration Building (Mayor's Office), at several community-based organizations, or with any member of

the Department. Complaints will be accepted in writing (by letter, fax, or email), in person, or by telephone.

3. If a citizen requesting to lodge a complaint confronts a Department member, that member will contact a supervisor. The supervisor will immediately contact and interview the complainant and record the specific complaint(s). Officers assigned as a liaison with community-based groups have the authority to record complaints and are required to document complaints brought to their attention in the same manner as supervisors.

NEW

4. When a citizen calls Communications Division expressing concerns regarding the actions of an officer or the service delivered by the Department, Communications personnel will format the call as a Citizen Complaint. A field supervisor will make contact with the citizen and determine if an explanation or clarification of a policy will resolve the citizen's concerns.

NEW

- a. If the responding supervisor cannot satisfy the citizen's concerns, the supervisor will complete a CCF form and route it via his or her chain-of-command to the commanding officer. The commanding officer will review, initial and forward the CCF to Internal Affairs in accordance with this procedure.

NEW

- b. If the responding supervisor can satisfy the citizen's concerns as an "Inquiry Only", the supervisor will complete a CCF form and write a memorandum to his or her commanding officer routed through the chain-of-command. The memorandum will include sufficient detail to document the citizen's concern(s) and resolution.

NEW

- c. The commanding officer will review the CCF and memorandum. The commanding officer must sign the memorandum and initial the CCF form next to the "Inquiry Only" box, thereby authorizing that the complaint will be handled as an inquiry. The signed memorandum along with the CCF will be forwarded to Internal Affairs for review and filing. All "Inquiry Only" CCFs will be retained in Internal Affairs for a period of five years.

NEW

- d. If a supervisor chooses to refer a citizen to another supervisor who may have more information regarding the CCF call, the citizen must agree to this referral. If the citizen agrees, the original supervisor shall add the following comments to the CAD incident:

- (1) The name and ID number of the second supervisor;
- (2) The complainant was notified of the second supervisor;
and,

- (3) The second supervisor was notified of the incident via email.
 - (4) The second supervisor shall reopen the CAD incident and complete the CCF process outlined previously in this procedure.
5. When a citizen comes to the Headquarters building to file a complaint during the hours of 0800 to 1700 on weekdays, a supervisor from the Internal Affairs Unit will meet with the citizen and record the complaint. On weekends and holidays and during the hours of 1700 to 0800 on weekdays, the procedures outlined previously in this section will be followed.

C. The Means by Which Citizen Complaints are Made

1. Complaints Made in Person

- a. The authorized Department member will take the information and determine the specific nature of the allegation(s).
- b. The member will repeat the allegation(s) to the complainant.
- c. The member will complete the CCF and allow the complainant to read the completed form.
- d. The member will forward the CCF to the Internal Affairs Unit.
- e. The Internal Affairs Unit will send an acknowledgment letter, copy of the CCF, copy of the original correspondence, and a self-addressed, postage-paid return envelope to the complainant.
- f. The complaint will be assigned for investigation in accordance with existing procedures.

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2. Complaints Made in Writing (by letter, by fax, or by email)

Written documentation (letters, faxes, email, route slips, civil summons, claims, etc.) that allege police misconduct will be handled in the following manner:

- a. Available information should be used to fill out a CCF. The narrative portion of the CCF should read, "See attached correspondence." The recipient command or Department member will retain the responsibility of responding to the original route slip, civil summons, etc.

- b. The Department member will forward the CCF and original letter (copy of the route slip, civil summons, etc.) to the Internal Affairs Unit.
- c. The Internal Affairs Unit will send an acknowledgment letter, copy of the CCF, copy of the original correspondence, and a self-addressed, postage-paid return envelope to the complainant.
- d. The complaint will be assigned for investigation in accordance with existing procedures.

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3. Complaints Made by Telephone

- a. The authorized Department member will take the information and determine the specific nature of the allegation(s).
- b. The member will repeat the allegation(s) to the complainant.
- c. The member will complete the CCF and forward it to the Internal Affairs Unit.
- d. The Internal Affairs Unit will mail an acknowledgment letter, copy of the CCF, and a self-addressed, postage-paid return envelope to the complainant.
- e. The complaint will be assigned for investigation in accordance with existing procedures.

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4. Third Party Complaints Accepted by the Department

- a. Complaints made on behalf of another person will be accepted by the Department.
- b. Complaints can be made in person, in writing, or by telephone.
- c. Applicable procedures discussed in this procedure must be followed when receiving third party complaints.

D. Internal Investigations

- 1. Internal investigations are those investigations conducted when someone other than a citizen alleges misconduct by a Department member (e.g., another Department member or another law enforcement agency).

2. A Department member who suspects criminal conduct by another member normally makes the complaint through his/her chain-of-command. However, the Department member may contact a Lieutenant from the Internal Affairs Unit directly or call the Confidential Complaint Hotline at (619) 531-2672.
3. CCFs are not used for internal investigations. Depending on the nature of the allegation(s), internal investigations may be conducted by the subject member's command or by the Internal Affairs Unit.

VI. INVESTIGATION PROCEDURES

A. Investigation of Complaints

1. The Internal Affairs Unit is responsible for investigating Category I complaints, as well as reviewing all officer-involved shootings and in-custody deaths.
2. In most cases, when a Category I complaint is initiated, the Internal Affairs Unit will notify the subject member's commanding officer through a memorandum.
3. Investigations of Category II complaints will be the primary responsibility of the command involved. However, the Internal Affairs Unit may choose to conduct investigations of Category II complaints when personnel from more than one division are involved and/or the investigation would be too time-consuming for field supervisors. An Internal Affairs Unit Lieutenant should be contacted prior to forwarding such a complaint to the Internal Affairs Unit. Category II allegations, which accompany Category I complaints, will be investigated by the Internal Affairs Unit.
4. Once a Department member is identified as the subject of a complaint and a personnel investigation has begun, the supervisor assigned to the investigation and his/her commanding officer will follow the investigation through to a logical conclusion, even if the subject member or the supervisor is transferred to another command during the investigation.
5. A supervisor will promptly investigate complaints against Department members. Personnel working out-of-class assignments should not investigate complaints without the approval of his/her commanding officer.
6. Category II investigations conducted by a command shall be completed within 60 calendar days from the date the complaint was received by the Department.

7. If it is not possible to complete the investigation within 60 days, the investigating supervisor must contact an Internal Affairs Unit Lieutenant and notify him/her of the reason for the delay. Extensions may only be granted by an Internal Affairs Unit Lieutenant. A new due date will be assigned if the need for the extension is reasonable and justified. If more than one extension is sought, an Internal Affairs Unit Lieutenant must be notified of the reason for the delay and will grant a new extension only if appropriate. Commanding officers will be contacted by the Internal Affairs Unit and advised about late investigations.
8. Category I complaints shall be completed within 90 days. Only an Internal Affairs Unit Lieutenant may grant extensions.
9. All recognized investigative methods for determining the facts surrounding a complaint will be used. These methods may include, but are not limited to:
 - a. Canvassing by the investigator to find all witnesses;
 - b. Obtaining photos or videos, as appropriate, of the scene;
 - c. Obtaining photos of injuries, or lack thereof, when appropriate; and,
 - d. Recording other physical evidence.
10. Every attempt will be made to interview the complainant, witnesses, and all Department members involved in the incident. The complainant may be accompanied by a support person of his or her choice (excluding other parties or witnesses to the complaint) during interviews. All interviews conducted by the Internal Affairs Unit will be audio-recorded. All interviews conducted by command supervisors should be audio-recorded if possible. If the interview is not audio-recorded, the command supervisor shall document the reason in the report. The exceptions are:
 - a. Civilian complainants and witnesses may decline to be recorded.
 - b. Municipal Employees Association (MEA) members may decline to be recorded.

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If interviewees do not wish to be audio-recorded, the handwritten notes of the interview must be included with the completed investigation. Prior to conducting a telephone interview, the Department supervisor must obtain consent from the person being interviewed to have the conversation audio-recorded. Basic interviewing practices will be utilized. These practices are

outlined in the Internal Affairs Unit Operations Manual.

11. When conducting telephone and in-person interviews regarding complaint investigations, the complainant must be informed of, and consent to, a recorded interview.

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12. If a complainant is reluctant or difficult to find, repeated attempts must be made to conduct a thorough interview of the complainant throughout the investigation. Obtaining voluntary, not compelled, participation in the investigative process from a complainant who is hesitant to be involved is the goal. Therefore, investigating supervisors shall consider and engage in all reasonable measures to contact and/or interview complainants. Such methods may include:
 - a. An interview conducted by telephone.
 - b. An interview conducted at the complainant's residence, place of employment, or at a neutral location;
 - c. An interview arranged at a time convenient to the complainant;
 - d. Notification to the complainant by certified letter (with return receipt) that an interview is requested; and/or,
 - e. Utilization of the ARJIS Officer Notification System (ONS) to facilitate contact with the complainant.

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Should these measures fail, the investigating supervisor shall proceed with the investigation without the complainant's statement. When practical, witness and officer interviews will be conducted. If it is possible to reach a factual conclusion, an appropriate disposition shall be rendered.

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If an allegation is not clear and cannot be clarified, and there is insufficient information to conduct an investigation, it will be filed in Internal Affairs in the miscellaneous file for a period of five years.

13. Completed investigations will be forwarded to the Internal Affairs Unit. The findings will be classified as follows:
 - a. Sustained - the Department member committed all or part of the alleged acts of misconduct;
 - b. Not Sustained - the investigation produced insufficient information to clearly prove or disprove the allegations;

- c. Exonerated - the alleged act occurred but was justified, legal and proper, or was within policy;
- d. Unfounded - the alleged act did not occur; or,
- e. Other Finding - the investigation revealed violations of Department policies/procedures not alleged in the complaint.

14. The complainant will be notified of the results of the investigation in a letter sent by the Internal Affairs Unit. The letter will contain the name and telephone number of the investigator should the complainant have any questions.

B. Investigation of Officer-Involved Shootings and In-Custody Deaths

- 1. The Homicide Unit will conduct criminal investigations of all incidents in which a Department member intentionally shoots at a person, including such incidents resulting in no injuries (misses). The Homicide Unit will submit its completed investigation to the Internal Affairs Unit. The Internal Affairs Unit will then conduct an administrative investigation to determine if the officer-involved shooting was within policy.
- 2. The Homicide Unit will also investigate officer-involved shooting incidents that result in unintentional injuries or death, and all in-custody deaths. The Homicide Unit will forward its completed investigation to the Internal Affairs Unit as soon as possible so an administrative investigation can be conducted.
- 3. Field supervisors are responsible for completing a thorough Supervisor's Investigation into all shootings involving animals or accidental weapon discharges not resulting in injury. The investigation, along with a copy of the Shooting Incident Report (PD-128), is to be forwarded to the Internal Affairs Unit as soon as possible so an administrative investigation can be conducted.

C. Investigative Assistance Requests for the Internal Affairs Unit

The Internal Affairs Unit will have primary responsibility for conducting administrative internal investigations regarding allegations of criminal conduct and corruption by Department members.

D. Procedures for Interviewing Subject Officers and Members

- 1. In criminal investigations conducted by the investigating unit, a "Miranda Warning" will be given to Department members who are in custody.

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2. Prior to beginning an interview, Department supervisors conducting administrative investigations, whether Category I or II, will read either the sworn or civilian "Administrative Admonishment" to Department members who are under investigation (see Attachments A and C).
3. If a supervisor determines during a "witness officer/member" interview that the interviewee is actually a subject officer/member, the supervisor must immediately advise the member of his/her change in status (regarding the investigation) and inform him/her of his/her right to representation.
4. Subject officers/members are to be given the Administrative Admonishment and interviewed only if it has been determined the case will not go forward for criminal prosecution. If during an interview the interviewing supervisor believes criminal conduct may be involved, the interview will be stopped and the Internal Affairs Unit will be immediately contacted. Consult the Internal Affairs Unit on all matters that appear to be criminal in nature.
5. To protect the integrity of the involved Department members and the investigation, all subject and witness members will be given a direct order not to discuss the matter until the investigation has been completed and approved by the Chief of Police. This order does not prevent such members from discussing the matter with his/her employee representative or attorney, professionals in the field of psychological therapy, or clergy members. This order should be given to all involved personnel when the investigating supervisor believes it is appropriate, usually at the onset of the investigation or during the interview with the subject/witness member.

VII. ROUTING OF COMPLETED INVESTIGATIONS

A. Citizens' Review Board on Police Practices Routing

Complaints that contain at least one Category I allegation (with the exception of "City claim" cases or internal investigations), officer-involved shootings at a person, and in-custody death investigations will be routed to the Citizens' Review Board on Police Practices for review. This is after the Chief of Police or his or her designee has approved the investigation and before it is forwarded to the subject member's command for review and/or disciplinary follow-up (See the Citizens' Review Board section of this document for more details).

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B. Forwarding of Completed Investigations

1. Prior to serving a completed Category II investigation upon a subject member, the subject member's commanding officer will forward the

completed investigation to the Internal Affairs Unit for a thorough review and approval.

2. All Category II CCFs will be reviewed by the Internal Affairs Unit for completeness, proper format, and appropriate findings. They will be returned to the commanding officer for further review if they are not consistent with Department procedures and expectations. If the investigation is complete and in the proper format, it will be returned to the commanding officer for service upon the subject member(s).

C. Routing of Identified Misconduct

When the Internal Affairs Unit identifies misconduct, the investigation will be routed to the assistant chief of the concerned division, via the Chief of Police, who will forward the investigation to the appropriate commanding officer. The commanding officer will review the investigation and personnel files of the involved member(s) and determine what disciplinary action, if any, is to be taken.

D. Review of Investigation by Department Member

Upon completion of all complaint investigations, the subject member(s) will review the investigation results with his/her commanding officer. The commanding officer will have the member read and sign a copy of the investigation. If the disposition of the complaint does not require disciplinary review, the copy of the investigation will be returned to the Internal Affairs Unit. Subject members are entitled to any reports or complaints made by investigators or other persons pursuant to California Government Code Sec. 3303(g). Subject members may review their Internal Affairs Unit file(s) by appointment in the Internal Affairs Unit. If the disposition of the complaint investigation is sustained, or "other findings" noted, the command will retain a copy of the investigation until discipline, if any, is completed. At that point, the command will return the copy, with the subject employee's original signature, to the Internal Affairs Unit.

E. Disagreement by Department Member of the Findings

If a member disagrees with the disposition or finding of the investigation, he/she may file a written rebuttal within 30 days from the date he/she reviewed the case. Written rebuttals will be filed with the investigation. If a written rebuttal to a CCF investigation is received in the Internal Affairs Unit after the 30-day time period, the rebuttal will be refused and returned to the Department member. Rebuttals will not be accepted in the Internal Affairs Unit if the report indicates that the member's supervisor wrote it. Supervisors are not to act as advocates for Department members in the writing of such reports.

F. Discipline

Commanding officers will notify the Chief of Police, by memorandum, of discipline imposed on all sustained findings resulting from a Category I complaint investigation. A memorandum prepared by the commanding officer will state what discipline was imposed along with the rationale behind it. The notification will be made immediately after discipline has been imposed. The Internal Affairs Unit will provide a copy of the imposed discipline to the Citizens' Review Board for cases that the Citizens' Review Board has reviewed.

G. Removal of Complaint Investigation from Discipline Package

After discipline is imposed, the complaint investigation will be removed from the discipline package prior to filing it in the member's Department personnel file.

H. Retaining Complaint Investigation by the Internal Affairs Unit

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Complaints and any reports or findings related to these complaints shall be retained for a period of at least five years in accordance with California Penal Code Section 832.5. A citizen's complaint investigation will only be retained in the Internal Affairs Unit. The copy of the investigation, which was attached to the discipline, must be returned to the Internal Affairs Unit.

I. Retaining Documentation

All material upon which the outcome of an investigation is based, such as recordings, tapes, photographs, and other documentation related to a CCF, City Claim, or internal investigation, must be retained and filed with the completed investigation.

VIII. CENTRAL COMPLAINT INDEX

The Internal Affairs Unit is responsible for maintaining a comprehensive central index of all citizen complaints received by the Department. The responsibilities of the Internal Affairs Unit, in relation to the Central Complaint Index, include the following:

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- A. Maintain a numerical file of all citizen complaints recorded on CCFs that were assigned for formal investigation.
- B. Maintain a numerical file of all internal investigations filed in the Internal Affairs Unit.
- C. Maintain personnel investigations completed by individual units that contain serious allegations of misconduct (safety issues, or those matters that would be Category I complaints if brought to the Department's attention by a citizen). The subject member's commanding officer will contact an Internal Affairs Unit Lieutenant prior to conducting such a filing. If necessary, the

Chief of Police will make the final determination concerning reports being filed in the Internal Affairs Unit.

- D. Maintain a file of investigations as they relate to claims against Department members.

IX. PITCHESS MOTIONS

The Internal Affairs Unit handles Pitchess motions where a party to litigation alleges misconduct on the part of an officer and seeks a Court hearing for discovery of confidential officer personnel records.

- A. Upon receipt of a Pitchess motion, the Internal Affairs Unit will notify the officer named in the motion that his or her personnel records are being sought.
- B. The City Attorney's Office responds to the motion on behalf of the officer and the Department.
- C. The City Attorney accompanies the Custodian of Records to the court hearing. At the hearing, a judge will decide whether the motion establishes good cause to conduct an in-camera review of the officer's personnel records.
- D. Only if an in-camera review is granted, the judge may order the release of the contact information for complainants and witnesses (listed in prior investigations) contained in the officer's records.
- E. If the judge orders information released from an officer's personnel file, the Internal Affairs Unit will notify the officer of what information was ordered released, and the officer will be given the opportunity to review the information that was released.

X. CITIZENS' REVIEW BOARD ON POLICE PRACTICES

The Citizens' Review Board on Police Practices (CRB) is comprised of community members who are appointed by the Mayor. The CRB has the responsibility to review and evaluate substantive complaints (Category I complaints and Category II allegations which accompany Category I complaints) brought by the public against the San Diego Police Department and its members. The CRB also reviews officer-involved shootings (at a person) and in-custody death cases. Additional information can be found in a pamphlet, "Citizens' Review Board on Police Practices", which is available in the Internal Affairs Unit or via the Internet at www.sandiego.gov/citizensreviewboard.

Attachment A

ADMINISTRATIVE ADMONISHMENT
SWORN PERSONNEL

At this time, I am going to question you about (state the general nature of the matter under investigation). My questions during this interview concern administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of a criminal prosecution.

In a criminal investigation, you have a right to remain silent and not incriminate yourself. However, since this is an administrative, not a criminal investigation, your failure to answer my questions could be insubordination and result in discipline up to and including termination. Any statement you make cannot be used against you in any criminal proceeding.

Under Penal Code 832.7, the Grand Jury, Attorney General's Office, or District Attorney's Office may have the right to obtain a copy of your statement to me, during this interview. Your statements to me cannot be used against you by any agency in any criminal proceeding.

You are required to answer my questions fully and truthfully. This requirement is set forth in Sections 9.4 and 9.29 of the San Diego Police Department Policy Manual.

9.4 Obedience to Lawful Orders Policy

Members shall promptly obey any lawful orders of superiors. This includes orders relayed from a superior by someone of the same or lesser rank.

9.29 Truthfulness Policy

Members shall be truthful in all matters relating to their duties.

Upon the order of a superior or any officers appointed by the Chief of Police to conduct internal investigations and in accordance with Constitutional and contractual guarantees, including a right to representation, members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department.

Refusal to answer my questions is in itself a violation of Department policy and will subject you to disciplinary penalties.

- Do you understand what I have just explained to you?
- Is there anything that prevents or may prevent you from answering my questions fully and truthfully?
- Do you have any questions concerning what I have just explained to you?

I NOW ORDER YOU TO ANSWER THE FOLLOWING QUESTIONS. I AM ALSO ORDERING YOU NOT TO DISCLOSE ANYTHING WE DISCUSS DURING THIS INTERVIEW OR ANYTHING REGARDING THIS INVESTIGATION WITH ANYONE OTHER THAN YOUR EMPLOYEE REPRESENTATIVE OR LEGAL COUNSEL. DOING SO WOULD BE INSUBORDINATION, AND BY ITSELF, COULD SUBJECT YOU TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

Attachment B

FACT-FINDING ADMONISHMENT WITNESS

You are considered a witness in an official fact-finding.

You are not subject to discipline at this time. If, as a result of any information obtained during this fact-finding, the facts indicate that you might be subject to discipline, you may request representation at that time.

You are hereby directed to answer all of the questions completely, truthfully, and to the best of your knowledge. Refusal to answer any of the questions will be considered disobedience to a direct order, and may be sufficient cause for discipline.

The Department has a strong interest in protecting the integrity of its investigations. In order to preserve evidence, prevent fabrications and protect witnesses from harassment, intimidation or retaliation, the Department advises you to refrain from discussing the issues raised in this fact-finding investigation unless you are required to do so in official performance of your duties. Willfully disclosing confidential information to corrupt the integrity of this investigation could result in discipline. However, your involvement in this investigation does not, in any way, limit your right to report any occurrence of unlawful activity.

If you fully understand these instructions that I have just read to you, print and sign your name below.

(Insert Name and Title of Witness)

Witness (Signature)

Date

(Insert Name and Title of Fact Finder)

Fact Finder Name (Signature)

Date

Attachment C

FACT-FINDING ADMONISHMENT

This is an official fact-finding.

You could be subject to discipline as a result of this fact-finding should the facts indicate such action is warranted. Therefore, you have the right to have a representative present at this time.

You are hereby directed to answer all the questions completely, truthfully, and to the best of your knowledge. You may consult with your representative before answering any question, but your representative may not answer the question for you.

Refusal to answer any of the questions will be considered disobedience to a direct order, and may be sufficient cause for further discipline.

The Department has a strong interest in protecting the integrity of its investigations. In order to preserve evidence, prevent fabrications and protect witnesses from harassment, intimidation or retaliation, the Department advises you to refrain from discussing the issues raised in this fact-finding investigation unless you are required to do so in official performance of your duties. Willfully disclosing confidential information to corrupt the integrity of this investigation could result in discipline. However, your involvement in this investigation does not, in any way, limit your right to report any occurrence of unlawful activity.

If you fully understand these instructions that I have just read to you, print and sign your name below.

(Insert Name and Title of Witness)

Witness (Signature)

Date

(Insert Name and Title of Fact Finder)

Fact Finder Name (Signature)

Date