The Police Department expects a very high level of professional conduct from all employees; however, members of the department frequently perform their duties in a manner exceeding the highest standards of the department. The official commendation of such performance and the arrangement of appropriate publicity shall be provided by the department to give full public recognition to those who have brought honor to themselves and the department.

B. Procedure

1. Commendations received in the form of citizen letters shall be handled in the following manner:

   a. The commendation shall be forwarded to the Internal Affairs Unit.
   b. The commendation shall be reviewed and entered into Administrative Investigations Management System (AIM) by Internal Affairs personnel.
   c. The original commendation shall be forwarded via the chain of command to the involved employee. The employee may retain this copy of the letter for his personal records.

2. Commendations received in the form of the AIC report (allegation of misconduct, inquiry, commendation) shall be handled in the following manner:

   a. The AIC report shall be forwarded to the Internal Affairs Unit.
   b. The AIC report shall be reviewed and entered into the Administrative Investigations Management System (AIM) by the Internal Affairs agent.
   c. A copy of the AIM report shall be forwarded via the chain of command to the involved employee. The employee may retain this copy of the AIM report for his personal records.

3. Any commendation to a member of the Police Department received by any means other than a citizen letter shall be documented appropriately on the AIC report or the AIM system as appropriate by the employee to whom the commendation is reported.

   a. Specific information as to the reporting party and details shall be documented along with an attachment of any pertinent written reports or documentation.
   b. The AIC or AIM report of a commendation shall be processed through the Internal Affairs Unit office.
It is essential that the public confidence be maintained in the ability of the department to investigate and resolve complaints and allegations of misconduct against its members. The rights of the employee as well as those of the public must be preserved, and any investigation arising from the complaint shall be conducted in a fair manner with the truth as its primary objective. The department shall accept complaints against its members and fully investigate them. All complaints and allegations of misconduct against the Lakewood Police Department shall be addressed and resolved by the department.

B. Procedure

1. The Administrative Management System (AIM) or AIC report if AIM is not available shall be utilized to record allegations of employee misconduct, inquiries concerning Police Department policy, procedure, or tactics, and employee commendation information received from any source.

"Misconduct" shall be defined as wrongful actions by an employee which result (intentionally or unintentionally) from erroneous judgment, a disregard for established policies or procedures, or any conduct defined under Chapter 4.20 of the Lakewood Municipal Code as constituting cause for disciplinary action.

2. Allegations of employee misconduct shall be documented on AIM by a supervisor or above or recorded on the AIC report if no supervisor is available and may be received from any source outside or inside the department.

   a. The information recorded shall be that which is necessary to begin an investigation into the events surrounding the allegation.

   b. The report concerning alleged misconduct shall be completed whether the allegation is received in person at the department, by telephone, or at some other location, or by some other means.

   c. Based upon the nature and complexity of the complaint, allegations of employee misconduct shall be classified as an "inquiry," an "informal investigation," or as a "formal investigation" by the Internal Affairs Sergeant.

   d. During the normal working hours of Internal Affairs, a person wanting to lodge a complaint shall be referred to Internal Affairs. The Internal Affairs agent shall interview the person and complete the report. If the Internal Affairs agent is not immediately available, the Internal Affairs Sergeant shall complete the report.

   e. During other than normal working hours of Internal Affairs or when neither the Internal Affairs Sergeant nor the Internal Affairs agent is immediately available, a sworn supervisor shall complete the report.

   f. If a sworn supervisor is not present and cannot become available within a reasonable time, an agent shall complete the basic
information blanks of the AIC report. The reporting party shall be notified that the remainder of the information will be obtained when the reporting party is recontacted by a sworn supervisor.

g. The agent shall then notify a supervisor as soon as possible and prior to end of watch and give the supervisor the AIC report.

h. Upon notification and as soon as possible, the supervisor shall recontact the reporting party in order to complete the initial AIM report.

i. If the allegation is first brought to the attention of an employee of the reporting party that the call will be transferred to the Patrol Division to be handled by the appropriate sworn personnel. The employee shall transfer the call.

j. It is anticipated that the above procedure cannot be exactly adhered to at all times. When such circumstances arise, the employee made aware of the allegation shall obtain what information he can for follow-up by the Internal Affairs Sergeant. (For example: the anonymous caller who quickly hangs up the telephone, or the reporting party who "has no time" to wait for a supervisor.) It may even be necessary in a given case for an agent to complete the entire AIC report form if, as in the last example, the reporting party refuses to wait for or to be recontacted by a supervisor.

k. The person completing the AIM or AIC report shall assure the reporting party that the allegations will be thoroughly investigated, and that the reporting party will be notified by the Chief of Police or his designee upon the completion of the investigation.

l. The Internal Affairs Sergeant shall give or mail to the reporting person of every allegation of misconduct a letter acknowledging the receipt of his complaint. This letter shall include a description of the investigation and review process that will be conducted, the Internal Affairs case number, and the name and telephone number of the assigned investigator.

m. All conversations involving allegations of employee misconduct shall be tape recorded, if possible, when received via telephone. When serious allegations are made in person, the conversation shall be tape-recorded.

n. Upon completion of an AIM report, It shall be transmitted to the Professional Standards Section, Internal Affairs Unit. If the allegation is to be investigated at the Divisional level, the AIM report shall be held at that level until the conclusion of the investigation then forwarded electronically to Internal Affairs for review and closure.

3. If a supervisor or Sector Commander is confronted with a significant
allegation of misconduct requiring immediate investigation, the Commander of the Professional Standards Section or the Internal Affairs sergeant shall be notified immediately. These include allegations of criminal activity, sexual harassment, incidents involving serious injury or death, misuse of leave, officer-involved shootings, and incidents that will require extensive follow-up investigation such as mass arrests or civil disobedience situations. If an allegation of misconduct is significant the Chief and Division Commander of the employee involved shall be notified immediately, and each shall be supplied with a copy of the AIM report. All other copies shall be forwarded to the Internal Affairs Sergeant office.

C. Rule

In instances where significant cases are documented and the Professional Standards Section Commander is not immediately available, the Internal Affairs Sergeant shall notify the Chief of Police directly.

3103 INVESTIGATION OF ALLEGATIONS OF EMPLOYEE MISCONDUCT AND ADMINISTRATIVE REVIEW CASES

B. Procedure

1. The primary responsibility for the proper completion of the investigation of all allegations of employee misconduct and administrative review cases lies with the Internal Affairs Sergeant.

2. The Internal Affairs Sergeant shall determine the classification of allegations of misconduct as formal or informal. The Internal Affairs Sergeant shall assign the case to an investigator.

3. The Internal Affairs Sergeant shall receive and investigate (as appropriate) administrative review cases. These cases shall be classified as inquiry, Use of Force investigations, traffic accident review.

4. The Internal Affairs Sergeant shall electronically copy the AIM report to the following as necessary:
   a. The assigned investigator.
   b. The Commander, Professional Standards Section.
   c. To each employee against whom an allegation of misconduct is made providing that the conduct of the investigation will not be compromised by this notification.

5. Allegations of misconduct shall be investigated and reviewed within 30 days unless more extensive investigation or review is required. Status reports on the progress of the investigation shall be given by the assigned investigator to the Internal Affairs Sergeant every 7 days. If the investigation extends beyond 30 days, the complainant will be contacted as to the status of the investigation.

6. Allegations of employee misconduct contained in notices of intent to sue or lawsuits will be investigated and reviewed when deemed appropriate by
the Internal Affairs Sergeant after consultation with the legal advisor.

C. Rule

1. All employees are required to fully cooperate with Internal Affairs. They are required to disclose all pertinent information known to them regarding the matter under investigation and are required to cooperate in the taking of non-testimonial evidence (including but not limited to: medical or laboratory examinations, photographs, lineups, handwriting, and financial disclosure statements).

3104 FORMAL INVESTIGATION

B. Procedure

1. A formal investigation is conducted on serious allegations of misconduct or issues of a highly confidential or sensitive nature. The assigned investigator is to obtain formal recorded interview statements from the employees involved and from all witnesses, if possible.

2. After electronic distribution of the AIM report with copies to the appropriate Commanders, the Internal Affairs Sergeant causes a Records and Internal Affairs check to be made on the reporting party. The involved employee's internal affairs file is also checked for similar allegations.

3. The Internal Affairs Sergeant shall determine if an additional investigator, other than the Internal Affairs agent, is necessary to complete the investigation. If no additional investigator is needed, the case is assigned to the Internal Affairs agent for investigation and an investigation file is prepared.

4. If an additional investigator is needed, the Internal Affairs sergeant shall contact the Professional Standards Section Commander who shall make arrangements for the assignment of an additional investigator. The assigned investigator shall be under the functional supervision of the Internal Affairs Sergeant during the internal affairs process.

5. When the case is completed by the investigator, it shall be forwarded/tracked to the Internal Affairs Sergeant to review for completeness.

6. If complete, the case shall be forwarded/tracked to the appropriate chain of command for the staff review process.

7. If, during the course of the administrative investigation, the investigator reasonably believes that a crime may have been committed by an employee, the Professional Standards Section Commander shall be notified immediately.

8. At the discretion of the Chief of Police, The Professional Standards Section Commander shall notify the appropriate district attorney's office that a crime may have been committed by an employee within the DA's judicial district.
9. If the alleged criminal act occurred within the city of Lakewood, a separate criminal investigation shall be conducted by separate investigators so designated by the Chief of Police after notification of the district attorney's office. Upon completion of the criminal investigation, the criminal case shall be presented to the District Attorney's Office for review and determination of action.

10. Examples of Internal Affairs that may be classified as formal include, but are not limited to:
   a. Allegations of violations of law
   b. Allegations regarding morals
   c. Allegations of excessive force

C. Rule

1. Separate criminal investigations shall be conducted in accordance with established criminal investigation procedures.

2. The administrative investigation and the criminal investigation shall be conducted completely independent of one another. Copies of all investigative reports from the criminal investigation shall be provided to the Internal Affairs Sergeant. No information developed as a result of interviews with departmental employees who are the primary subject of the administrative investigation or information otherwise obtained in the administrative investigation from said employees shall be shared or disseminated to the criminal investigators. Interviews of department employees who were witnesses to the incident at issue may be shared with criminal investigators at the discretion of the Professional Standards Commander.

3105 INFORMAL INVESTIGATIONS

B. Procedure

1. An informal investigation is conducted on less serious allegations of misconduct. The investigation consists of obtaining memorandums or verbal statements from concerned employees regarding the allegations. Generally formal interviews or statements are not used; instead, information shall be obtained via memorandums and existing records.

2. After electronic distribution of the AIM report to the appropriate Commanders, the Internal Affairs Sergeant shall cause a records check to be made on the reporting party by both the Police Department Records Section and through a review of Internal Affairs records.

3. The Internal Affairs agent shall complete appropriate interviews and gather the necessary documents for completion of the investigation.
   a. Employees shall forward their response memorandums via e-mail
to the Internal Affairs Sergeant unless otherwise directed.

b. If during the investigation of the initial allegation it is disclosed that other misconduct may have occurred, this misconduct also shall be investigated and reported upon.

c. The Internal Affairs agent shall investigate and report all aspects of the case in a manner, which is fair, and impartial to all persons involved, i.e., reporting party, witnesses, and employees.

d. The investigating agent shall complete his investigation and submit his reports to the Internal Affairs Sergeant in a timely manner.

e. The format of the final report submitted by the investigating agent to the Internal Affairs Sergeant shall be in accordance with existing practices within the Internal Affairs Unit.

4. The Internal Affairs agent shall arrange the completed investigation reports in the AIM system and submit them to the Internal Affairs Sergeant for review.

5. Then the Internal Affairs Sergeant’s review determines the investigation is complete, the file shall be electronically forwarded/tracked to the appropriate chain of command for staff review. At the conclusion of the chain of command review, the file will be tracked back to the Internal Affairs Sergeant for closure.

6. Examples of Internal Affairs that may be determined as informal include, but are not limited to:

   a. Complaints of slow response

   b. Alleged failure to take proper police action

   c. Alleged discourtesy by a department employee

3106 INFORMATIONAL INQUIRIES

B. Procedure

1. An informational inquiry is a method used by the Internal Affairs Sergeant or another supervisor to address and document a citizen concern or question about a policy, procedure, or tactic used by the Police Department.

2. When a citizen questions the actions of a police employee and it is determined by the receiving supervisor that the employee acted within prescribed Police Department policy, procedure, or tactics, the matter shall be handled as an inquiry.
3. It is the responsibility of the supervisor or Internal Affairs Sergeant receiving the inquiry to obtain all pertinent details necessary to make an inquiry into the employee's actions.

4. The supervisor or Internal Affairs Sergeant receiving the inquiry from the citizen shall make every attempt to explain to the citizen the circumstances as to why a particular policy, procedure, or tactic is sanctioned by the Police Department.

5. The inquiry, at the discretion of the supervisor or Internal Affairs Sergeant receiving the inquiry, may be documented on the AIM report including the nature of the inquiry and the response to the citizen. Any related reports or documentation concerning the inquiry may be attached in the exhibits portion of the AIM report.

6. When for any reason an oral response cannot be made, a letter approved and signed by the Chief of Police or his designee shall be forwarded as soon as possible by the Internal Affairs Sergeant to the reporting party.

7. After an oral or written response has been given to the reporting party, the AIM report shall be forwarded to Internal Affairs Sergeant for closure.

8. Examples of an inquiry include, but are not limited to:
   a. Why did an agent handcuff a prisoner?
   b. Why was a field interrogation conducted?
   c. Why was vehicle emergency equipment used?
   d. For what reason was a felony car stop made?

3107 INVESTIGATIONS AT DIVISIONAL LEVEL

B. Procedure

1. Allegations of misconduct, other than those considered to be extremely serious in nature, may be investigated at the Divisional level by a supervisor.

2. The supervisor who investigates an allegation of misconduct shall take the investigation to its conclusion, including a full documentation of the investigation, application of discipline, which is within his authority to carry out and follow-up contact with the reporting party to inform him of the disposition of the case.

3. Supervisory investigations shall be high priority until resolved, to decrease turnaround time of the investigation and to establish a cause and effect relationship between the misconduct and the administration of discipline.

4. To avoid duplication of effort, the first-line supervisor who intends to conduct the investigation shall notify the Internal Affairs office. At the conclusion of the first line supervisor's investigation, the AIM file will be tracked through the employee's chain of command. At the conclusion of
the chain of command review, the AIM file shall be tracked to the internal Affairs Sergeant for closure.

5. First-line supervisors who conduct investigations of allegations of misconduct shall keep in mind these points:

a. All parties involved in the incident being investigated shall be checked for wants, criminal histories, Internal Affairs contacts, and other contacts with this department.

b. Employees against whom allegations are made shall be kept aware of the progress of the investigation and informed of its outcome as soon as possible.

c. Employees shall not be routinely contacted when off duty for investigation of minor complaints.

d. When an allegation is sustained against an employee, that employee's disciplinary record and other pertinent files reflecting his performance shall be reviewed prior to the administration of disciplinary action.

e. When an allegation of misconduct is sustained, a copy of all written reprimands or log entries shall be included with the completed Internal Affairs file.

6. No formal or informal investigation is necessary where the complaint does not rise to the status of an allegation of misconduct. Generally, minor situations fall into this category, such as, those which if observed by a supervisor would normally result in verbal counseling or a log entry. These include such things as tactics (handcuffing), officer safety (number of officers at a particular call), and enforcement decisions (warning versus a summons).

C. Rule

1. Divisional discipline resulting in a letter of reprimand or greater shall be assigned an Internal Affairs case number. Cases resulting in counseling and log entries can be assigned an Internal Affairs number when requested by a supervisor.

3108 EMPLOYEE RIGHTS AND RESPONSIBILITIES DURING INTERNAL AFFAIRS INVESTIGATIONS

A. Policy

The security of the citizens of Lakewood and the integrity and reputation of the Lakewood Police Department depend to a great extent on the manner in which personnel of this department perform their varied and difficult duties. The performance of such duties involves those employees in all manner of contacts and relationships with the public.
Out of such contacts and relationships may arise questions concerning the actions of employees of the department. These questions require prompt investigation by designees of the Chief of Police.

The following procedures are hereby established to ensure that investigations are conducted in a manner conducive to good order and discipline, while observing and protecting the individual rights of each employee of the department.

This policy shall not be construed to supersede, in part or in whole, any ordinance or administrative regulation of the City of Lakewood or any section of the Department Manual. This policy shall be subordinate to any ordinance or administrative regulation.

B. Procedure

1. The interview of any department employee shall be conducted at a reasonable hour, preferably when the employee is on duty, unless the urgency of the investigation dictates otherwise. If such interview occurs during the off-duty time of the employee being interviewed, the employee shall be compensated for his off-duty time in accordance with regular department procedures.

2. The interview shall take place at a location designated by the investigating agent, usually the Lakewood Police Department building.

3. If requested, the employee being interviewed shall be informed of the name and rank of all persons present. Whenever possible, every attempt shall be made to notify the supervisor of an employee who is to be interviewed while on duty.

4. The employee being interviewed shall be informed verbally of the nature of the investigation and the names of all complaining parties before the interview commences, unless the disclosure of the complaining party’s name will have a deleterious effect on the investigation.

5. The interview session shall be for a reasonable period of time, depending upon the seriousness of the investigation.

6. Reasonable rest periods shall be allowed during the interview session. If requested, time shall be provided for personal necessities.

7. The employee being interviewed shall not be subjected to any offensive or abusive language, nor threatened with dismissal or other disciplinary action. Nothing herein is to be construed as to prohibit the interviewer from informing the employee that his conduct can be the subject of disciplinary action should he refuse to obey a lawful order from the ranking officer. No promise of reward shall be made as an inducement to answering any question.

8. The employee being interviewed shall be asked questions by and through no more than two investigators.

9. The employee shall not be required to be interviewed by or provide
information to the news media without his consent, nor shall his home address, telephone number, or photograph be given to the news media without his express consent; however, this shall not in any way affect records or documents that are otherwise available to the public by law.

10. If an employee is suspected of committing a criminal act, two separate investigations shall be conducted. One investigation shall be for administrative purposes only and the other shall be for the potential filing of criminal charges.

11. When the employee is being interviewed for criminal charges, he shall be informed of his constitutional rights including his right to be represented by counsel of his choice.

12. When an employee is being interviewed for administrative purposes, he shall not be advised of his rights, nor shall he be allowed the presence of counsel during the interview. The employee shall truthfully and completely answer all questions concerning the investigation posed to him by the interviewing officer. If the employee refuses to answer such questions, he shall be informed that his refusal to answer can become the subject for disciplinary action.

13. If the employee is being interviewed for administrative purposes in cases that involve post-critical incident trauma, he shall be permitted to consult with an attorney prior to the administrative interview in accordance with the department's post-critical incident trauma policy.

14. When an employee is being interviewed in a noncriminal matter and there is a likelihood that the interview may reveal criminal conduct on the part of the employee, the results of the interview cannot and shall not be used against him in a criminal prosecution. However, he shall be required to answer all questions to assist in the administrative process. This does not mean that criminal charges cannot result from a separate criminal investigation.

15. During administrative investigations, no tape recording shall be made of the interview without prior advisement. There shall be no "off-the-record" questions during a recorded interview.

C. Rule

1. No employee of this department shall be compelled to submit to a polygraph examination on a complaint. An employee may be requested to submit to a polygraph examination under the following circumstances:

a. The complaining party submits to a polygraph examination beforehand and passes the examination, demonstrating truth in the complaint.

b. There is sufficient corroborating evidence to warrant such an examination.
2. An employee may at any time request a polygraph examination to be provided by the department.

3. Nothing contained herein shall preclude or prohibit any employee from pursuing civil litigation for false or malicious complaints.

4. City-owned desks, lockers, storage space, rooms, offices, equipment, work areas, and vehicles are the sole property of the City of Lakewood and subject to inspection at any time deemed necessary by the Chief of Police or his designee. Private property can be stored in areas mentioned above, however, privacy shall not be expected. No one, who is not acting in his official capacity, shall be authorized to search areas assigned to others.

5. Any telephone call made or received on a department telephone is departmental business and is not confidential to the caller or his authorized agents. Due to the very nature of the complex problems that face law enforcement and the need for accuracy in reporting, those using police telephone lines could reasonably expect that security will take the form of monitoring or recording incoming or outgoing calls.

6. Employees will not be armed during interviews with Internal Affairs staff, or during pre-disciplinary/disciplinary hearings with the Chief of Police or designee.

7. All weapons shall be safely secured in the designated gun boxes located in Internal Affairs.

3109 ADJUDICATION OF INTERNAL AFFAIRS COMPLAINTS

B. Procedure

1. After the investigation of complaints, which are, classified as either formal or informal is completed, the case file shall be forwarded electronically to the involved employee’s chain of command for staff review.

2. During the staff review, the staff member shall ensure that the internal affairs file is properly secured in order to protect the integrity and confidentiality of that file.

3. The first-line supervisor shall review the investigative file and make a factual finding regarding the allegation of misconduct. The first-line supervisor will make a disposition recommendation.

4. The section Commander shall review the investigative file and make a factual finding regarding the allegation of misconduct. The section Commander will make a disposition recommendation.

5. The Division Chief shall review the investigative file, make conclusion of fact regarding the allegation of misconduct and determine the final disposition of each allegation. The file will then be forwarded to the Internal Affairs office.

6. The final disposition of each allegation of employee misconduct shall be
classified in one of the following ways:

a. **SUSTAINED**: substantiated misconduct.

a1. **MISCONDUCT NOT BASED ON COMPLAINT**: substantiated employee misconduct, not alleged in the complaint, but disclosed by the investigation.

b. **UNFOUNDED**: the allegation is either false or not factual.

c. **NOT SUSTAINED**: the allegation is not substantiated. There is not sufficient evidence to prove or disprove the allegation.

d. **EXONERATED**: the incident occurred, but the employee involved acted lawfully and properly.

7. Any recommended personnel action memorandums, letters, etc., shall be prepared by the section Commander and returned, electronically if possible via the chain of command, to the Internal Affairs office with the completed investigation file. The Internal Affairs office will attach the documents if necessary to the exhibit portion of the AIM report.

8. The Internal Affairs Sergeant shall review the file for completeness, compose the citizen response letter, and forward the case to the Professional Standards Section Commander.

9. The Professional Standards Section Commander shall review the file and, if it is complete, sign the letter and have it mailed to the reporting party.

10. When there is misconduct found and the discipline administered is a written reprimand or greater the disciplined employee’s Division Commander shall brief the Chief of Police.

11. The Internal Affairs Sergeant shall then forward the notification of case disposition to the employee and a copy through the chain of command.

3110 **FINAL DISPOSITION OF ALLEGATIONS OF MISCONDUCT**

B. **Procedure**

1. The Chief of Police or his designee shall inform the reporting party of the results of the department’s investigation.

2. Completed inquiries do not ordinarily require a letter to the citizen from the Chief of Police, except in such cases where the reporting party cannot be satisfied by oral explanation.

3. When an allegation in a complaint is found to be either unfounded, not sustained, or exonerated, the involved employee shall be so informed via memorandum.
4. If one or more of the allegations is sustained, or if misconduct not based upon the complaint is sustained, the appropriate disciplinary measures shall be implemented by the Chief of Police, the Division chief, or the supervisor of the involved employee depending upon the nature of discipline administered.

a. Documentation of the disciplinary action taken shall be included in the case file prior to its being closed.

b. The documentation (original) of the disciplinary action taken shall be included in the employee's discipline file maintained in the Professional Standards Section.

5. If an investigation of employee misconduct results in dismissal, the Chief or that employee's Division chief shall, at the time of termination, provide the employee with the following information:

a. A statement outlining the reasons for dismissal.

b. The effective date of the dismissal.

c. An explanation of the employee's right to appeal the termination.

6. The Department of Employee Relations shall, at the time of termination, provide the employee with the following information:

a. A statement of the status of fringe and retirement benefits after dismissal.

b. A statement defining the content of the employee's employment record relating to the dismissal.

7. The completed investigation is then closed and filed electronically.

C. Rule

1. No record of an allegation or an administrative review case shall appear in the employee's personnel file unless it has been sustained.

2. All documentation relating to disciplinary action which amounts to written reprimand or greater shall be copied to the employee's personnel file in the Department of Employee Relations. These are not public record.

3. All records of allegations of misconduct, inquiries, or investigative reports of the Use of Force Review Board shall be stored in the AIM computer data base maintained by Internal Affairs. These files are not public record. All files are to be securely maintained by the Internal Affairs Sergeant.

4. Internal Affairs files are confidential and shall not be released without approval of the Chief of Police or his designee.

5. Copies of internal affairs files shall only be prepared at the direction of the Chief of Police or his designated representative.
A. Policy

The Performance Audit System (PAS) is intended to assist police supervisors and managers in identifying employees whose performance warrants review and, where appropriate, intervention in circumstances that may otherwise have negative consequences for the employee, the department, or the community. The Performance Audit System is an essential component of good discipline within a well-managed organization. The system provides a mechanism for tracking and reviewing incidents of possible risk to the involved employees, the department and the community. It is the duty of all supervisors to directly monitor the performance and behavior of personnel assigned to them. The Performance Audit System is a tool to assist supervisors in monitoring employee performance and identifying employee patterns of misconduct.

B. Procedure

1. The Internal Affairs Sergeant shall be responsible for the collection and maintenance of data related to the Performance Audit System and generation of reports specified in this policy or as otherwise directed by Command Staff.

2. The Internal Affairs Unit shall receive copies of the following reports:
   a. All AIM/ AIC Reports involving allegations of employee misconduct;
   b. Critical Incident Reports involving the use of force;
   c. Preventable On-duty employee involved traffic collisions;
   d. All notices of intents to sue and/or lawsuits against the department or its employees arising out of work related incidents;
   e. All commendations and awards.

3. The Internal Affairs Unit shall collect and report on the data and information based upon department norms. The norms established to activate the Performance Audit System are listed below:
   a. Two use of force complaints in a 12-month time period;
   b. Five Internal Affairs investigations in a 12-month period;
   c. Three preventable traffic accidents in a 12-month time period;
   d. Three sustained internal affair complaints in a 12-month time period;
   e. Two notices of intent to sue and/or lawsuits during a 12-month period in which the employee was a primary participant;
   f. Five use of force incidents within a 12 month period.

4. The Internal Affairs Sergeant shall print a Performance Audit System report whenever an employee has exceeded the norms established by the agency requiring supervisory review. The Internal Affairs Unit will
provide a brief summary of past allegations of employee misconduct and disposition, use of force reports, and/or performance indicators via the employees Division Chief and chain-of-command for review.

5. The PAS report is intended to assist supervisors evaluate and guide their subordinates.

6. Supervisors shall review the PAS report with their employee and discuss the Performance Audit System report with the employee.

7. The employee’s Supervisor and Commander shall meet to discuss the Performance Audit System report, to include the employee’s comments regarding the report, to determine if corrective actions are warranted. These actions may include but are not limited to the following:
   a. Refer the employee to a department peer counselor;
   b. Refer the agent to the department psychologist;
   c. Provide the employee with appropriate training to address the area needing additional development;
   d. Initiate a reassignment; or,
   e. Conclude that no further review or corrective actions are necessary.

8. A PAS report of action recommendations shall be forwarded to the Internal Affairs Unit via the employee’s chain of command to be included in the employees Performance Audit System file.

9. If an action plan is developed to help the employee improve performance in an identified area, it shall be included in the employee’s annual Performance Review and Development.

10. Supervisors shall monitor and document the employee’s performance in achieving the goal(s) established in the action plan in the employee’s log and performance evaluation.

11. Annually, the Internal Affairs Sergeant shall conduct a review and analysis of organizational findings of the Performance Audit System to identify collective patterns of behavior.

C. Rule

1. Performance Audit System Reports shall not form the basis for a disciplinary action.

2. An employee may only be ordered to submit to a psychological evaluation when it is appropriate under Section 4.08.010 of the Lakewood Municipal Code.

3. The Performance Audit System records shall be purged following the same purge policy as found in 3113 PURGE POLICY FOR INTERNAL AFFAIRS RECORDS.
3112 REVIEW OF POLICE VEHICLE TRAFFIC COLLISIONS

B. Procedure

The AIM Traffic accident module shall be used for the internal review of any traffic accident involving an on-duty Lakewood Police Department employee or the use of a City vehicle.

1. The supervisor of the involved employee shall complete the AIM accident review module and include other necessary reports or documentation and then electronically forward (track) this completed AIM report to the Division Commander, via his chain of command. The Division Commander shall make the final determination of the accident’s cause as being preventable or non-preventable.

2. After the Division Commander has made his finding the AIM accident report shall be forwarded (tracked) to the Internal Affairs Unit for closure. A copy of the AIM accident report shall be sent to the Department of Employee Relations, Risk Management, only if the accident was determined to be preventable.

3113 PURGE POLICY FOR INTERNAL AFFAIRS RECORDS

B. Procedure - The Internal Affairs Sergeant shall during January of each year purge the Internal Affairs Unit files and records specified.

1. Investigative files are to be kept in their entirety for 5 years (4 years plus the current year). At the expiration of this time period, all Internal Affairs investigative files with a finding code of A - Sustained, or A1 - Misconduct Not Based on Complaint, and Use of Force Review Board reports with a finding of not justified, which have resulted in disciplinary action of a written reprimand or greater, shall have the following portions removed and retained indefinitely:

   a. AIC reports
   b. Chronological investigative report or summary
   c. Disposition/recommendation forms
   d. Action orders
   e. Correspondence

   All other documentation from these files shall be destroyed.

   At the expiration of this time period, all dated Internal Affairs investigative files with a finding of B - Unfounded, C - Not Sustained, D - Exonerated, and Inquiries shall be destroyed in their entirety.

   Exceptions to this procedure shall be cases where civil litigation or criminal prosecution is pending or when the Chief of Police directs that a particular case be maintained in its complete form for a longer period of time.

2. Internal Affairs Sergeant master log. All Internal Affairs Sergeant master log pages shall be kept in their entirety for 5 years (4 years plus the
current year). At the expiration of this time period, these dated pages shall be destroyed.

3. Index files for: individual Internal Affairs histories, traffic accident review, Use Of Force (shooting), and reporting parties (RP) shall be purged based on the same criteria and schedule as are the Internal Affairs investigative files.

4. Annual internal affairs statistical reports shall be maintained indefinitely by the Internal Affairs Unit.

5. Discipline files. The Internal Affairs Unit shall maintain individual discipline files with copies of all written reprimands, suspensions, demotions, resignations, discharges, and discharges/criminal charges that are administered. Discipline file records of "counseling" and "counseling and log entry" shall be purged at 5 years for current employees. Only four (4) years plus current files will be kept on past employees. This applies to all cases including those with findings of misconduct resulting in discipline of a written reprimand or greater. If a current employee was also the subject of the complaint, the file will be purged in accordance with section 3113 (B) (1) of the Department Policy Manual.

6. Use of Force Review Board. All Use Of Force Review Board investigations shall be assigned an Internal Affairs case number and filed in the normal internal affairs filing system.

7. Traffic accident logs and files. The Internal Affairs Unit shall maintain police vehicle/on-duty police employee traffic accident logs for 5 years (4 years plus the current year). At the expiration of that time, those dated log pages and files shall be destroyed in their entirety.

8. For the purpose of implementing this scheduled purge policy in a fair and uniform manner, all investigative files, Internal Affairs Sergeant master logs, index, Use Of Force Review Board investigations, and traffic accident logs for current employees that are dated 1985 or older shall be purged in their entirety.