

Personnel Complaints

1010.1 SECTION TITLE

Issued: 1/3/2020	Effective: 1/3/2020	Revised: 6/7/2023	Reviewed: Annually
CALEA References: 26.1.4; 26.2.1; 26.2.2; 26.2.4; 26.3.2; 26.3.3; 26.3.5		Section: Complaint Investigation; Records, Maintenance and Security/ Complaint/Commendations Registration	
Distribution: All Personnel		Issuing Authority: Chief Rich Lockhart	

1010.2 PURPOSE AND SCOPE

This policy provides guidelines for reporting, investigation and disposition of complaints regarding the conduct of members of the Lawrence Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to any criminal investigation.

The Department is committed to providing professional police service to persons within its jurisdiction. Department members are required to observe high standards of moral and ethical conduct at all times. Deviations from such standards by a department member will not be construed as permission for investigative personnel to violate the normal standards of courtesy and dignity of the individual during an internal investigation.

In the case of an allegation of criminal behavior, the employee has the same legal rights as any other citizen.

1010.3 POLICY

The Lawrence Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

It is the policy of this Department to receive, document, investigate and resolve all complaints of misconduct made against members of the Department. It is critical to do so in a fair and consistent manner regardless of the nature of the complaint, who makes the complaint or the manner in which the complaint is received. (CALEA 26.2.1) It is also the policy of this department to ensure that community and department members can report misconduct without concern for reprisal or retaliation.

1010.4 DEFINITIONS

Employee/Member- A person employed by the City of Lawrence who works for the Lawrence Police Department.

Allegation - An unproven accusation that an employee violated Department or City of Lawrence policy, procedures, rules, regulations or the law.

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Violation - An act or omission by an employee that is a breach of policy, procedure, rule, regulation or the law, which could result in disciplinary action.

Personnel Complaint - An allegation, received from the public, that a member violated department or city policy or federal, state or local law or an expression of dissatisfaction related to conduct or performance.

Internal Investigation - An internally generated investigation into a member's conduct or alleged violation of department or city policy or federal, state or local laws. Such investigations may be generated from member's who witnessed, or were informed by other employees, of possible violations.

Level 1 Complaint - Allegations that generally include serious misconduct, criminal conduct, or serious violations of general orders, policies and procedures that challenge the integrity, good order, or discipline of the Department.

Level 2 Complaint - Allegations that are of a less serious nature that generally include violations of policies and procedures.

Level 3 Complaint - Allegations that generally involve an employee's conduct and/or behavior, or for minor violations of Department policies.

Inquiry - Complaint about a policy, procedure or tactic used by the Department or an employee.

Disposition - The final determination of how a complaint is closed.

Coach/Teach/Train - Any matter that is handled by a supervisor, resulting in supervisory advice or verbal counseling designed to correct behavior. (CALEA 26.1.4a)

Summary Action - Disciplinary action (oral reprimand or counseling documented in writing) taken by a member's supervisor or commander for minor violations of department rules, policies, or procedures as defined by this department. Summary actions are the lowest level of progressive disciplinary action generally handled by the member's chain of command. (CALEA 26.1.4b)

Formal Discipline - Punitive discipline at or above the level of a letter of reprimand, including unpaid administrative leave (temporary suspension), reduction in rank, and/or termination. (CALEA 26.1.4c)

Peer representative – An employee of the Police Department who is present during any meeting(s) with a supervisor or Office of Professional Accountability (OPA) investigator in which the requesting employee reasonably believes they may receive discipline of a letter of reprimand or higher as a result of the interview.

Electronic Employee Log - An electronic file used to facilitate documentation of employee performance that would be applicable to the evaluation process.

1010.5 COMPLAINT CLASSIFICATIONS

The following chart depicts the types of complaints, which are defined by the seriousness of the allegation, along with who the complaint is generally investigated and reviewed by:

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CLASSIFICATION	INVESTIGATIVE PROCEDURE	POTENTIAL CRITERIA
<p><u>Level 1 Complaint:</u></p> <p>Allegations that have the potential to damage the reputation of the City, the Department and it's personnel that generally include, but are not limited to serious misconduct, criminal conduct, or serious violations of general orders, policies or procedures that challenge the integrity and good order of the Department.</p>	<p>Office of Professional Accountability or other supervisor as assigned by the Office of the Chief or authorized designee. Documented with a formal investigative report, containing statements, interviews, relevant evidence such as videos, photographs, and documents.</p> <p>Criminal Investigations will be assigned to an outside agency, or as deemed appropriate to LPD Investigations.</p> <p>**Could result in formal discipline up to and including termination. (CALEA 26.1.4c)</p>	<ul style="list-style-type: none"> ▪ Criminal Conduct ▪ Excessive Force ▪ Corruption ▪ Dishonesty/ Untruthfulness ▪ Bias-Based Policing ▪ Illegal Discrimination ▪ Workplace Violence ▪ Unlawful Search & Seizure ▪ False Arrest ▪ Violation of Civil Rights ▪ Gross Insubordination ▪ Repeat sustained Level 2 violations
<p><u>Level 2 Complaint:</u></p> <p>Allegations that are of a less serious nature that generally include, but are not limited to alleged violations of policies and procedures, other than those which constitute a Level 1 complaint.</p>	<p>The member's Chain-of-Command or the Office of Professional Accountability. The investigation will be documented with a formal report, containing statements/ interviews, relevant evidence such as videos, photographs, and documents</p> <p>**Could result in discipline up to and including a letter of reprimand, with the potential of training to correct performance. (CALEA 26.1.4a; 26.1.4b)</p>	<ul style="list-style-type: none"> ▪ Violations of polices and/or procedures, other than those which constitute a Level 1 Complaint ▪ Inappropriate conduct and/or behavior of a less-serious nature ▪ Failure to take a mandatory report or make a mandatory arrest ▪ Repeated violations of Level 3 Complaints

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<p><u>Level 3 Complaint:</u></p> <p>Complaint against an employee, generally involving their conduct and/or behavior, or for minor violations of department policies that do not constitute a Level 1 or Level 2 Complaint</p>	<p>Member's Chain of Command.</p> <p>The complaint will be documented in Blue Team with the relevant information to determine the appropriate outcome and/or recommendation.</p> <p>**Could result in summary action (documented oral reprimand). (CALEA 26.1.4b)</p>	<ul style="list-style-type: none">▪ Rudeness▪ Inadequate police service▪ Minor traffic violations▪ Belittling and excessive profane language▪ Tardiness▪ Other minor violations
<p><u>Inquiry:</u></p> <p>Complaint or question regarding Department policy, procedure, or tactic used by the Department or an employee, or an allegation that does not rise to the level of a general order violations or at the direction of the Chief of Police.</p>	<p>May be handled by the member's Chain-of-Command, the Office of Professional Accountability, or any supervisor who receives the complaint. The Inquiry will be documented in Blue Team with relevant information pertaining to the complaint and outcome. When the complaint is not associated to an employee or their performance, the Department will be listed in the entry as the "involved employee."</p>	<ul style="list-style-type: none">• Citizen does not wish to make a formal complaint• When citizen questions the validity of the probable cause used for an arrest or citation• When there is no alleged policy or law violation

1010.6 RECEIPT OF COMPLAINTS

Complaints may be initiated internally or externally. The Lawrence Police Department will accept all complaints against the Department or any of its members, regardless of how the the complaint is received. (CALEA 26.2.1) Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor or OPA. If a supervisor or OPA are not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient so that contact with the complainant can be achieved.

Citizen involvement in the complaint process provides greater detail and more accuracy in the investigation. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

Anonymous complaints present significant investigative challenges but shall be accepted. (CALEA 26.2.1) The fact that a complainant does not wish to or is not willing to identify themselves will not cause the complaint to be dismissed. The supervisor receiving the complaint should note the reason the complainant refused to sign the complaint form or to properly identify themselves. The Professional Standards Division Major will review each anonymous complaint and make a

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recommendation to the Office of the Chief regarding feasibility of further investigation. Without independent facts that can be verified, anonymous complaints may be deemed less credible and/or actionable than a complaint from a known complainant. If possible, anonymous complainants will be informed of the limitations inherent in an anonymous complaint.

Complaints filed outside of 90 days from when the allegation should have reasonably been known by the complainant will be accepted but generally will not receive a disposition, unless the complaint is a criminal allegation or is investigated at the direction of the Chief of Police. Additionally, complaints filed by an uninvolved person, with the exception of a legal guardian or attorney, will be accepted but generally will not receive a disposition without cooperation and knowledge from the involved individual(s), unless the complaint is a criminal allegation or is investigated at the direction of the Chief of Police. This does not mean these types of complaints will not be documented, it means the review may be limited in scope and only investigated to the extent reasonably possible.

Citizens can file a complaint or compliment with the Department using several methods. (CALEA 26.2.4)

- Contact with the Office of Professional Accountability (OPA):
 - Via email at OPA@lkpd.org
 - Via telephone at 785-832-7551
 - In person at 4820 Bob Billings Pkwy
- Contact with the Department's Executive Officer for Diversity:
 - Via email at diversityofficer@lkpd.org
 - Via telephone at 785-830-7404
 - In person at 5100 Overland Drive
- By filling out a form:
 - On-line at <https://lawrenceks.org/police/feedback/> and following the process identified on the webpage.
 - Paper complaint forms will be maintained in a clearly visible location in the public area of the police facility located at 5100 Overland Drive.
- By calling the Douglas County Emergency Communications Center (Dispatch) non-emergency line (785) 832-7509 and ask to speak with an on-duty supervisor. Once a supervisor is available the supervisor will attempt to make contact.
- Through private message on the Department's social media pages:
 - Facebook page (<https://www.facebook.com/LawrencePolice/>)
 - Twitter (https://twitter.com/LawrenceKS_PD)
- Through any member of the Police Department
- Contacting the Lawrence City Manager's Office

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- Contacting a Lawrence City Commissioner
- Contacting the City of Lawrence Community Police Review Board
- Contacting the Kansas Attorney General's Office

1010.6.1 COMPLAINT FORMS

Supervisors who receive a complaint form shall ensure that the nature of the complaint is defined as clearly as possible. If the complaint is received in person, the complainant should be asked to sign the Formal Complaint of Employee Conduct Form and to provide a statement in the complainant's own words. This ensures the complaint is properly documented, and protects the rights of everyone involved, should the complainant later change the allegation, or the allegation is found to be misleading or untrue. Submitted complaint forms should be forwarded to the OPA or when applicable scanned and attached to the Blue Team entry.

1010.6.2 INITIAL SUPERVISOR RESPONSIBILITIES

Unless a complaint is submitted directly to the OPA, the initial response to a complaint shall generally rest with the employee's supervisor or any other available supervisor. The following guidelines for supervisors receiving a complaint include, but are not limited to:

- (a) Respond to all complaints in a courteous and professional manner.
- (b) Take reasonable steps to prevent aggravation of the situation.
- (c) Record the interaction using a Body Worn Camera System (BWCS) or other recording device.
- (d) Obtain as many specific facts and details as possible from the complainant.
- (e) If the matter is resolved upon the initial contact and no further action is required, the supervisor shall document the complaint information, including the findings, via a Blue Team entry.
- (f) Upon receiving a Level 1 or Level 2 Complaint:
 1. When applicable, the original complaint form will be forwarded to the Office of Professional Accountability, via the accused member's chain of command.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, the supervisor shall orally report the matter to the member's Division Commander or the Professional Standards Division Commander, who will initiate appropriate action.
- (g) As soon as practicable, notify the member's Division Commander and the Office of Professional Accountability upon receipt of an alleged Level 1 Complaint. (CALEA 26.3.2)

1010.6.3 ELECTRONIC EMPLOYEE LOG

Supervisors shall ensure that all complaints and counseling sessions are properly documented in a Blue Team entry with the nature, and when applicable any actions taken. (CALEA 26.2.2)

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The OPA Lieutenant will categorize all entries in the accused member's IA Pro file as one of the following categories:

1. Coach/Teach/Train
2. Personnel Complaint
3. Internal Investigation
4. Inquiry

1010.7 INVESTIGATIVE PROCESS AND ADMINISTRATIVE RESPONSIBILITIES

Complaints and allegations of misconduct will be investigated as follows.

1010.7.1 DUTIES AND RIGHTS OF EMPLOYEES

Department members, who have knowledge of any misconduct or wrongdoing by any other Department member, either directly or indirectly, shall report the information to their immediate supervisor, Division Commander, OPA or the Office of the Chief as soon as possible. Failure to report misconduct or wrongdoing is considered misconduct.

Department members will not be subjected to any offensive language, coercion, abuse or devious techniques during an administrative investigation or interview. Members will not be offered any promise of reward as an inducement to answering questions.

Members shall cooperate fully in administrative investigations by being candid and forthcoming. Every department member is required to share all information they have that may be relevant to the investigation, whether directly asked or not. Intentional misrepresentation of the facts, withholding of information, or dishonesty by any member during a personnel investigation is grounds for discipline up to and including termination.

Unless the investigation may be compromised, or otherwise approved by the Chief of Police or their authorized designee, department members accused of Level 1 or Level 2 misconduct will be notified, by phone or in-person, 24-hours before their interview takes place. Upon scheduling the interview, the accused member will be given a copy of the Administrative Warnings and Rights form, which shall contain the nature of the complaint or alleged violation(s), as known at that time. (CALEA 26.3.5) If it is known at the time of scheduling the interview that the member being interviewed is a witness only, they will be so informed. Members may opt to immediately proceed with the interview at a mutually agreed upon time.

Unless specifically authorized by the Chief of Police, members who are subject to a investigation are not allowed to contact (directly or through third parties) complainants or witnesses in the investigation, including other department members involved with the investigation. This is not intended to prohibit members from communicating with department members on topics other than the complaint and related matters. Additionally, no order shall be construed as to prohibit communications between the accused member and their spouse, legal counsel, peer representative, clergy or any other communications recognized by law as privileged. Members

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giving statements or being questioned concerning personnel investigations may not have an attorney present during the interview.

Generally, interviews of department members concerning complaints will be conducted during the accused member's tour of duty or during a reasonable time. The interview will take place at a location designated by the investigating member, normally a police facility. Interviews will be conducted in person, unless otherwise specified by the investigating officer.

Based on the most current and applicable MOU or City Employee Handbook department members have the right to request the presence of a peer representative during any interview for an administrative investigation when the accused member reasonably believes they may receive discipline of a letter of reprimand or higher as a result of the interview. The peer may be present but cannot participate in the discussion. During the investigation, the peer shall keep all information confidential. Conversations between the peer rep and accused member shall remain confidential. The peer rep will not be questioned as part of an administrative investigation about their conversations with the accused member.

Audio and/or video recordings of department members will not take place during any contact or interview without the knowledge of all persons present. The accused member will be provided a copy of their recorded interview upon request.

1010.7.2 CITIZEN INTERVIEW

As part of a personnel complaint investigation, complainants and other individuals may need to be interviewed. Individuals being interviewed will be treated with respect and professionalism, and will not be subject to offensive language, coercion, abuse or devious techniques during the interview. Individuals being interviewed as part of a personnel complaint may have a representative of their choice present during the interview. The representative's role shall be restricted to that of an advisor to the complainant, and not as a participant in the questioning.

Generally, interviews will be conducted at a reasonable hour, unless the seriousness of the investigation requires immediate action, and will occur at a location designated by the investigator. Interviews should be scheduled at the mutual convenience of the investigator and subject being interviewed, not at the convenience of the representative, if any. The duration of the interview shall be for a reasonable period of time, and shall allow for breaks as needed.

Unless prohibited by law or would otherwise jeopardize an investigation, individuals who are interviewed may receive a copy of their statement.

1010.7.3 ADMINISTRATIVE LEAVE/MODIFIED ASSIGNMENT

When an allegation of misconduct is a Level 1 Complaint, or when circumstances indicate that allowing the accused member to continue to work would adversely affect the mission of the Department, the Chief of Police, Deputy Police Chief, Division Commander or authorized designee may temporarily assign an accused employee to administrative leave or a modified assignment. Any employee placed on administrative leave or modified assignment:

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- (a) May be required to relinquish any Department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all Department policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

1010.7.4 ADMINISTRATIVE INTERVIEW GUIDELINES

Whether conducted by a supervisor or the Office of Professional Accountability (OPA), the following guidelines will apply:

- (a) Unless otherwise approved by the Chief of Police, investigations will not be conducted while other criminal or judicial processes are pending.
- (b) The investigating member will notify the accused employee's supervisor that the employee has been directed to report for an interview.
- (c) The interviewer should record all interviews of employees and witnesses. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (d) The investigator should explain to the accused employee the process the investigator expects to undertake in investigating the complaint so that the employee understands the process being used.
- (e) If available, the accused employee will be provided with a copy of the Formal Complaint of Employee Conduct form at the beginning of the interview and be afforded the opportunity to review it. Upon employee request, the employee will receive a disseminated copy of the complaint form to retain, as long as the dissemination of the form does not compromise the investigation or expose an anonymous complainant. **(CALEA 26.3.5)**
- (f) The investigator will read aloud the Lawrence Police Department Administrative Warning and Rights form (Garrity Warning) before questioning begins. The interviewer, accused employee and peer representative, when present, will sign the form. Signing the form will not be construed as an admission of guilt to the allegations. **(CALEA 26.3.5)**
- (g) The complaint process can be difficult and embarrassing for the complainant as well as the accused employee. A neutral and impartial fact-finding approach is required to ensure fairness. Investigators shall attempt to obtain "best information" to ensure accuracy. Pertinent facts that could possibly implicate the accused employee as well as prove his/her innocence should be examined. When possible, the investigation should include:
 1. In-person interviews of involved parties and possible witnesses.
 2. Audio recordings of interviews and/or written statements.
 3. Supporting evidence.

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- (h) Questioning of employees will be pertinent to the issues of the complaint. If responses given by the employee indicate a violation of either department policies or law on other matters not under investigation, a new line of questioning may be initiated. However, broad questions such as, "Have you ever violated department policies?" will not be allowed.
- (i) If directed by the investigator, an employee must furnish a signed written statement. A copy of the written statement will be furnished to the employee.
- (j) Employees and witnesses involved in an administrative investigation shall be given their Administrative Warning and Rights (Garrity Warning), in which the Chief of Police or his designee shall order the officer to cooperate with the investigation and answer questions with the understanding that any statement made will not be used or derivatively used against the employee in a pending or subsequent criminal investigation. Any employee refusing to answer questions directly related to the investigation may be subject to discipline for failing to do so.
 - 1. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (k) The interview should not exceed four hours in any one day unless there is a compelling reason to continue, or the employee and interviewer reach a mutual agreement to continue. Time will be permitted for personal necessities such as meals, restroom breaks and communications not related to the investigation.
- (l) If the investigation lasts beyond 30 days, the investigator should provide periodic updates to the complainant and accused employee on the status of the investigation, as appropriate. The 30-day time frame begins at the time the investigated employee is initially interviewed.

1010.7.5 SUPERVISORY REVIEW PROCEDURES

Upon completion of a Level 1 or Level 2 Complaint, the investigative file shall be forwarded to the Chief of Police through the assigned investigator's chain of command. (CALEA 26.3.2) Each level of command should review the investigative file, write any comments they feel are necessary for the file, and recommend a disposition based on their review prior to forwarding the file to the next level in the review process. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

The review process (Chain of Command) for Level 1 and Level 2 Complaints is as follows:

1. Assigned investigator (OPA Lieutenant or assigned supervisor)
2. Investigator's Division Commander
3. Chief of Police or authorized designee (CALEA 26.3.2)

Generally, Level 1 Complaints will be investigated and completed by the OPA Lieutenant. However, at the discretion of the Professional Standards Division Commander, another supervisor may be assigned to conduct a Level 1 Complaint (non-criminal) investigation.

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Upon completion of a Level 3 Complaint, the required Blue Team entry shall be forwarded through the accused member's chain of command to the Division Commander. The Blue Team entry should include relevant information to determine the appropriate outcome and/or recommended disposition. The Division Commander may accept or modify any classification or recommendation for disciplinary action. Sustained Level 3 Complaints will generally receive summary action as a form of discipline, which will be documented in a Blue Team entry.

1010.7.6 OFFICE OF THE CHIEF RESPONSIBILITIES

Upon receipt of any Level 1 Complaint, the Chief of Police shall review the findings and all accompanying materials. (CALEA 26.3.2) The Chief of Police may accept the disposition of the investigation and/or may provide a different disposition based on their review. When necessary, the Chief of Police may return the file to the Division Commander or OPA Lieutenant for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required, the Chief of Police shall determine the appropriate discipline, if any, that should be imposed. In the event formal disciplinary action is imposed, the Chief of Police shall provide the member with a written notice of the imposed discipline.

Upon receipt of any Level 2 Complaint, the Deputy Police Chief shall review the investigative file and recommended dispositions findings and all accompanying materials. The Deputy Police Chief may accept the dispositions of the investigation and/or may provide a different disposition based on their review. When necessary, the Deputy Police Chief may return the file to the Division Commander or OPA Lieutenant for further investigation or action.

If no further investigation or action is required by staff, the Chief of Police or Deputy Police Chief shall approve or determine the appropriate discipline, if any, that should be imposed. In the event formal disciplinary action is imposed, the member will be provided with a written notice of the imposed discipline.

1010.7.7 INVESTIGATIVE DISPOSITION

All Level 1 and Level 2 complaint investigations should be completed within 90 days of the receipt of the complaint or allegation of misconduct unless the nature and complexity of the investigation requires the Chief of Police or authorized designee to issue an extension. (CALEA 26.3.3) At the conclusion of an investigation, each complaint, as described in section 910.4 of this policy, shall be classified with one of the following dispositions:

- **Sustained** - The greater weight of the evidence establishes that the complaint is valid and that the employee violated department policy and/or law.
- **Not sustained** - Insufficient evidence to either prove or disprove the allegation(s).
- **Exonerated** - When an allegation of policy or law violation is made, and the outcome of the investigation determines the incident occurred but was lawful and within policy.
- **Unfounded** - The allegation is false or not factual or the employee was not involved.
- **Closed** - Administratively closed, under the following circumstances:

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- The complaint was made by an uninvolved person and the involved subjects can not be located or do not cooperate.
- The complainant becomes uncooperative with the investigation.
- The complaint is not criminal and is filed outside of 60 days from when the allegation should have reasonably been known by the complainant to have occurred.
- An inquiry has been completed and no allegations of misconduct were made or discovered.
- At the discretion of the Chief of Police or authorized designee.
- **Training issue** - During the course of the investigation, it is determined that the involved department members were not sufficiently trained to handle the situation.
- **Policy deficiency** - During the course of the investigation, it is discovered that department policies are in need of revision in order to provide department members with direction. Employee was acting within policy that resulted in unfair or inappropriate treatment of a citizen.

1010.7.8 POST-ADMINISTRATIVE INVESTIGATION PROCEDURE

Upon completion of a Level 1 or Level 2 complaint investigation, the complainant, if known, will be notified via a letter of the disposition of the complaint. A copy of this letter will be kept with the associated OPA file. Third-party or uninvolved complainants will not receive a letter informing them of the disposition, unless they are a legal guardian or attorney for the involved individual(s).

The employee will be advised of the outcome and disposition of the investigation in writing. A copy of the letter will be kept with the associated OPA file. In the case of a sustained complaint, a second copy of the letter will be placed in the employee's departmental personnel file.

1010.7.9 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending or active administrative investigation.

1010.7.10 DISCIPLINE

For information regarding imposed discipline, refer to the current City of Lawrence Employee Handbook and department procedure, Disciplinary System.

1010.8 POLYGRAPH EXAMINATIONS

- (a) At the discretion of the Chief of Police, the complainant may be asked to submit to a polygraph examination to help determine truthfulness. Refusal to take the examination does not mean the complaint will be dismissed or the investigation stopped.
- (b) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

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- (c) The polygraph examination should not, as a general rule, be given to an individual who has just completed a lengthy interview session, or who is not, in the judgment of the polygraph examiner, physically or mentally fit to be examined.

1010.9 DOCUMENTATION

Administrative investigations will be documented and tracked in the Electronic Employee Log (Blue Team/IA Pro). The OPA Lieutenant will be responsible for classifying the entries appropriately in IA Pro. At the conclusion of the investigation, employees will be notified of any new Electronic Employee Log entry.

Investigations into Level 1 and Level 2 complaints shall be thorough, complete and generally follow this format:

- Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.
- Synopsis - Provide a summary of the facts giving rise to the investigation.
- Summary - List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.
- Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.
- Conclusion - A recommendation regarding further action or disposition should be provided.
- Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

The Department will maintain appropriate records and dispositions of complaints filed against employees. These records will be maintained by the OPA office. Protection of sensitive employee and citizen information is of great importance, therefore access to the investigative file and complaint records will be limited to those who the Chief of Police or authorized designee deem necessary to have access. (CALEA 26.2.2)

- Upon completion of an administrative investigation related to a Level 1 through Level 3 Complaint, OPA shall retain all records related to its investigation, including documents and reports, handwritten notes, reports generated on OPA and Non-OPA hard drives, and any other items acquired ("Records and Materials") during the investigation for a period of five (5) years after an employee leaves employment with the department. (NOTE: The "Records and Materials" associated to an Inquiry will be maintained by OPA in accordance with this policy. However, after three (3) years from date of entry the Inquiry will be removed from any association to the employee's electronic employee log. (CALEA 26.2.2)
- The "Records and Materials" shall be kept for more than five (5) years and not destroyed if the underlying OPA case or departed employee is or is likely to become

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the subject of civil litigation or criminal charges related to such OPA investigation. In that case, the "Records and Materials" shall be held indefinitely until its destruction is authorized by the City Attorney or authorized designee. (CALEA 26.2.2)

- Whether a case is likely to become subject to litigation or prosecution in the future shall be determined on a case-by-case basis and, where appropriate, in consultation with the City Attorney's Office. (CALEA 26.2.2)
- A log will be kept by OPA for any records disseminated outside of the OPA office. (CALEA 26.2.2)

A copy of all audio/video recordings involving administrative investigations will be provided to and stored by the Professional Standards Division. Once an investigation is complete, all duplicate or working recordings not stored and will be deleted or destroyed.

1010.10 POST-DISCIPLINE APPEAL RIGHTS

Eligible employees have the right to appeal the finding of an administrative investigation using the procedures established by the current City of Lawrence Employee Handbook.

1010.11 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.12 CRIMINAL INVESTIGATION

The Chief of Police shall be notified as soon as practicable when a member is accused of potential criminal conduct. (CALEA 26.3.2) Any employee arrested for a violation of the law, other than traffic infractions, may be placed on administrative leave at the discretion of the Chief of Police or City Manager in accordance with policies and procedures of the current City of Lawrence Employee Handbook.

An employee of the Department suspected of involvement in a criminal offense is entitled to all rights and privileges guaranteed by the U.S. Constitution. The member shall not be administratively ordered to provide any information in the criminal investigation.

The Lawrence Police Department may release information concerning the arrest or detention of any member that has not led to a conviction. No disciplinary action should be taken until an administrative investigation is conducted.

Where a member is accused of potential criminal conduct, a supervisor, the Investigations Division, or at the request of the Chief of Police, another law enforcement agency, shall be assigned to investigate the criminal allegations apart from any administrative investigation. Generally, the department will request another law enforcement agency conduct the criminal

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investigation when the alleged victim is an individual(s). Any separate administrative investigation may parallel a criminal investigation at the discretion of the Chief of Police.