



WRITTEN DIRECTIVE	No. PD14-1601	Page: 1 of 19
INTERNAL INVESTIGATIONS	Effective Date:	05-23-14
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I. Purpose

The purpose of this directive is to establish guidelines for conducting Lynchburg Police Department internal investigations.

52.1.1

II. Policy

It shall be the policy of the Lynchburg Police Department to conduct internal investigations in an impartial and objective manner as well as maintain security of related administrative files.

III. Procedure

A. GENERAL

1. For the purposes of this directive, *internal investigations* will be defined as investigations related to the activities of department employees and conducted by department supervisory staff;
2. Internal investigations will include the following types of investigations:
 - a. *administrative investigations* -- conducted for LPD administrative and personnel management purposes to include the following:
 - 1) determination of fact in cases where department employees are alleged to have:
 - a) improperly performed their duties, or
 - b) displayed unprofessional or inappropriate demeanor in performing their duties, or
 - c) engaged in some form of misconduct.
 - 2) review of employee actions and related circumstances associated with:
 - a) use of force incidents documented by means of a Use of Force form [see directive PD-0602 (*Use of Force*)
 - i. Incidents involving the euthanizing of a seriously injured animal will be reviewed by the involved officer's immediate supervisor when such incidents occur and when the related IBR is filed.

1.3.7

- b) vehicle pursuit incidents [see directive PD-0702 (*Vehicle Pursuit*)]
 - c) employee motor vehicle accidents [see directive PD-0207 (*Employee Motor Vehicle Accidents*)]
 - d) high-profile incidents (see directive PD-0402 *Significant Incident Management*)
- 3) evaluation of employee fitness for duty
 - 4) other departmental fact-finding purposes, as directed by the Chief of Police.
- b. *criminal investigations* – conducted for law enforcement purposes to include determining whether any crime has been committed, gathering necessary evidence, and preparing cases for prosecution review.

B. BASIC INTERNAL INVESTIGATION GUIDELINES

- 1. Every effort will be made to ensure that internal investigations are conducted with confidentiality and in a thorough, timely fashion.
 - a. Internal investigations will be conducted by supervisory staff.
 - b. Internal investigations should be completed within the timeframe allocated to each type of investigation: additional time to complete an investigation may be approved, as necessary, by a supervisory level designated to oversee that particular type of investigation.
- 2. An employee, whether the subject of or a witness in an administrative internal investigation, shall be subject to disciplinary action, including discharge, for failure to:
 - a. promptly and fully cooperate with internal administrative investigation procedures
 - b. truthfully and completely discuss matters and incidents related to an internal investigation
 - c. comply with required examinations, procedures, and disclosures.
- 3. Employee interviews related to an internal administrative investigation will be conducted as follows:
 - a. Whenever possible, employee interviews will be scheduled at a reasonable time and place – preferably during the employee's regular working hours.
 - 1) The needs of the investigation may dictate that interviews be scheduled outside these parameters.
 - 2) Interview scheduling will be the responsibility of the investigating supervisor.

- 3) Interviews will be conducted so as to maintain the confidentiality of the investigation and the employee interviewed.
- b. Whenever circumstances permit, the investigating supervisor will notify an employee's unit or division commander prior to interviewing the employee.
- c. Prior to being questioned as part of an internal investigation, an employee will be informed of:
 - 1) the name and rank of the investigating officer and of any person to be present during the questioning
 - 2) the nature of the investigation being conducted.
- d. A *Statement for Administrative Purposes* form will be reviewed and completed by the investigating supervisor and the employee interviewed (as either the subject of the investigation or as a witness) prior to initiation of any administrative investigation interview.
 - 1) The *Statement for Administrative Purposes* form will clearly indicate that the statement given:
 - a) is an ordered employee statement for Lynchburg Police Department internal investigative purposes
 - b) is protected from use for any other purpose under the *Garrity v. New Jersey* and *Gardner v. Broderick* Supreme Court decisions.
 - 2) The investigating supervisor will provide the interviewed employee with a copy of the signed *Statement for Administrative Purposes* form on request.
 - 3) The original, signed *Statement for Administrative Purposes* form will be attached to the interview transcript, and will be submitted with the completed internal investigation report for filing.

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4. An employee may be relieved from their regular duty assignment pending disposition of an internal investigation when their continued presence on the job is deemed not to be in the best interest of the department or the employee.
 - a. In the case of Captain rank or lower, it will be at the discretion of a Deputy Chief of Police to accomplish removal from regular duty by means of administrative leave or special duty assignment.
 - b. In the case of rank of Major, it will be at the discretion of the Chief of Police to accomplish removal from regular duty by means of administrative leave or special duty assignment.
 - c. Such removal from regular duty will not be considered as a disciplinary action.

52.2.6

5. The Chief of Police or a Deputy Chief of Police may require a department employee to submit to certain examinations, procedures, and/or disclosures as listed below when those examinations, procedures or disclosures are specifically directed and narrowly related to a particular internal investigation being conducted. Such examinations (to include, but not be limited to, those listed below) will be at departmental expense:

52.2.6 A & E

- a. medical, laboratory, psychological or polygraph examinations (the Chief of Police has sole authority to direct use of a polygraph examination)

52.2.6 B

- b. alcohol/drug screening tests (Code of Virginia, Section 9.1-501)

52.2.6 C

- c. the taking and display of employee photographs

52.2.6 D

- d. participation in a line-up

- e. disclosure of financial information (Code of Virginia, Section 9.1-503).

6. Procedures for employee drug/alcohol screen testing:

- a. Any supervisor considering the use of such testing must obtain prior approval from either the Chief or Deputy Chief of Police.
- b. The City Occupational Health Nurse will be available to perform drug/alcohol screen testing for the department during business hours.
 - 1) Such testing will be conducted according to the City of Lynchburg *Drug-Free Workplace Policy*.
 - 2) The Occupational Health Nurse or the Lynchburg General Hospital (LGH) Laboratory will be responsible for the proper collection, labeling, chain of custody, testing, and dissemination of results of all specimens collected by the Occupational Health Nurse.
- c. After normal business hours, employees of the Lynchburg General Hospital laboratory will be available to perform drug/alcohol screen testing for the department.
 - 1) Such testing will be conducted according to the City of Lynchburg *Drug-Free Workplace Policy*.
 - 2) The LGH Laboratory staff will be responsible for the proper collection, labeling, chain of custody, testing, and dissemination of results of all specimens collected within that facility.
 - a) Employees should go directly to the LGH Laboratory, not to the Emergency Department, to have drug/alcohol screen testing performed.
 - b) Results of testing conducted at the LGH Laboratory will be forwarded to the City Occupational Health Nurse.

7. Information obtained in the course of an administrative internal investigation will not be used by this department for any purpose other than the completion of that investigation and the determination of appropriate departmental action, if any, to be taken.
8. The supervisor completing an internal investigation will document his investigative findings – to include a summary report and a conclusion of fact -- within a report that will be reviewed by the involved employee's chain of command.

C. ALLEGATION OF MISCONDUCT INVESTIGATION

1. For the purposes of this directive, an *Allegation of Misconduct* will be defined as an allegation made by any person indicating that an LPD employee's action, or failure to act, has constituted:
 - a. any form of corruption
 - b. misuse of force, or use of excessive force
 - c. a violation of any person's civil rights
 - d. a violation of criminal law
 - e. a serious breach of departmental or City policy, procedure, or employee rules of conduct.
2. All allegations of employee misconduct – including anonymous allegations --communicated to the Lynchburg Police Department in any fashion will be documented and investigated according to procedures set forth within this directive.
3. Employee receipt and forwarding of misconduct allegations:
 - a. An employee receiving a citizen's allegation of misconduct in person or by telephone will refer the complainant to:
 - 1) the involved employee's immediate supervisor, or (if unavailable)
 - 2) the highest ranking supervisory officer available within a reasonable period of time, or (if unavailable)
 - 3) the involved employee's Deputy Chief
 - b. An employee receiving a citizen's allegation of misconduct by mail or facsimile will forward the allegation directly to the involved employee's Deputy Chief.
 - c. Employees receiving a citizen's allegation of misconduct will not discuss it with persons other than:
 - 1) the supervisor to whom they report the allegation
 - 2) the supervisor subsequently designated to investigate the allegation
 - 3) the involved employee's Deputy Chief

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- d. Any employee wishing to make an allegation of misconduct against another employee will do so either to that employee's immediate supervisor, or to the involved employee's Deputy Chief.
4. Supervisory receipt and forwarding of misconduct allegations:
 - a. The supervisor receiving an allegation of misconduct will:
 - 1) complete, prior to the end of that duty tour, an *Allegation of Misconduct* form to document each allegation
 - 2) forward the *Allegation of Misconduct* form(s) and all attachments to the involved employee's Deputy Chief.
 - 3) Upon receiving and documenting a complaint, the supervisor will notify the involved employee's division Captain:
 - a) immediately -- in the case of a serious allegation, or at any time when delay would negatively impact the conducting of a fair, complete and objective investigation
 - b) the next business day -- (via forwarding the *Allegation of Misconduct* form) in cases where the delay would not negatively impact the conducting of a fair, complete and objective investigation.
 - 4) The Division Captain will notify the involved employee's Deputy Chief.
 - b. The supervisor receiving an allegation of misconduct will request that the complainant(s) complete and sign an *Allegation of Misconduct Statement* form.
 - 1) Completion of this form is not mandatory prior to the initiation of an investigation.
 - 2) On request, the complainant may be given a copy of the completed *Statement* form *only* if the complainant has signed the form.
 - 3) The original *Allegation of Misconduct Statement* form will be attached to the original *Allegation of Misconduct* form.
 5. The *Allegation of Misconduct* form, the *Allegation of Misconduct Statement* form, and any attachment will be considered attorney work products -- no copy in addition to those specified by directive will be made without prior authorization from the Chief of Police.

52.2.1 B

6. The Professional Standards Division Captain will be responsible for:
 - a. Coordinating the allegation of misconduct investigation process, to include:
 - 1) assigning a unique number to each allegation of misconduct received

- 2) conferring with the involved employees Deputy Chief, the Chief of Police and other supervisory staff as necessary to confirm what type of investigative action is required
- 3) assigning allegation of misconduct investigative responsibility to a supervisory staff member
- 4) providing the complainant with:
 - a) verification that the allegation of misconduct complaint has been received
 - b) periodic reports, as necessary, on the progress of the related internal investigation
 - c) notice on conclusion of the related internal investigation.
- 5) providing the accused employee with the following investigation-related information (unless providing such information is deemed likely to jeopardize any investigation):
 - a) notice (in letter form) that an allegation of misconduct has been made
 - b) information on the specific nature of the misconduct alleged
 - c) information on the employee's rights and responsibilities pertaining to the related internal investigation
 - d) the name of the supervisor conducting the investigation
 - e) periodic reports, as necessary, on the progress of the related internal investigation
 - f) notice (in letter form) on conclusion of the related internal investigation, and on the investigating supervisor's conclusion of fact.
- 6) generally monitoring and assisting with ongoing internal investigations
- 7) conferring with the Chief of Police and other authorities as necessary to appropriately direct the course of the investigation.

52.2.5

7. The supervisor(s) assigned to investigate an allegation of employee misconduct will be responsible for:
 - a. complying with the general internal investigation guidelines set forth in section III, B of this directive
 - b. ensuring that the investigation conducted:
 - 1) is both adequate and appropriate to the nature and gravity of the complaint received
 - 2) is narrowly focused on the specific misconduct alleged
 - 3) is completed in a timely manner

- a) Investigating supervisors will make every effort to complete allegation of misconduct investigations within 90 calendar days.
- b) As necessary, the investigating supervisor may request the Professional Standards Division Captain to grant additional time for completion of an ongoing investigation.
- c. informing the IAB Deputy Chief of any significant investigative developments as soon as possible after these developments become known
- d. including within the allegation of misconduct investigation report one of the following conclusions of fact for each identified allegation of misconduct:
 - 1) **Sustained** - there is sufficient evidence to prove the allegation.
 - 2) **Non Sustained** - there is insufficient evidence to either prove or disprove the allegation.
 - 3) **Exonerated** - the alleged incident occurred, but the involved employee's action was lawful and proper.
 - 4) **Unfounded** - the allegation is false or not factual.
 - 5) **Policy Failure** - the allegation is true, however the employee's practices were consistent with departmental policy: as result, the policy should be reviewed to ensure that operational practices remain consistent with the department's philosophy.
 - 6) **Complaint Withdrawn** – the person who made the allegation of misconduct withdraws the complaint and indicates they no longer wish to pursue the matter.
 - a) The Professional Standards Division Captain will confer with the involved employee's Deputy Chief to determine the need for further investigation.

52.2.2, 52.2.8

- 8. The Chief of Police will be responsible for:
 - a. Final review and approval of allegation of misconduct investigative reports.
 - b. Initiating an internal criminal investigation at any time that available factual information indicates that criminal investigative procedures are necessary in order to appropriately address the matter under investigation. In such case, the Chief of Police will:
 - 1) determine whether criminal internal investigations will be conducted by departmental investigators, outside agency investigators, or both
 - 2) request criminal investigative assistance from an outside agency, as deemed appropriate.

- 3) designate a Deputy Chief to coordinate the criminal internal investigation, and to maintain liaison with other involved investigative and prosecuting authorities.
9. Criminal internal investigations will be conducted in accordance with guidelines set forth within directive PD-0902 (*Criminal and Special Purpose Investigations*).
- a. Concurrent criminal and administrative internal investigations may be conducted, at the discretion of the Chief of Police, with the criminal investigation being considered the higher priority.
 - b. At any time that a department employee is interviewed with the intent of developing evidence for use in a criminal prosecution of that employee:
 - 1) The employee will be advised that the investigation is criminal in nature prior to being interviewed.
 - 2) Where applicable, the employee being interviewed as part of a criminal investigation will be advised of his or her constitutional rights in accordance with the *Miranda v. Arizona* Supreme Court decision.
 - 3) Any waiver of rights granted by the employee will be documented by means of an *Interview: Advice of Rights* form.
 - 4) The *Statement for Internal Investigative and Administrative Purposes* form will not be utilized in criminal internal investigation interviews.
 - c. Criminal internal investigations will be conducted separately from administrative internal investigations.
 - 1) Related criminal and administrative internal investigations will be assigned to separate investigators/investigative teams.
 - 2) Criminal and administrative investigation files will be separately maintained.
 - 3) Department personnel conducting a criminal investigation of an employee's activities will have no access to *Garrity*-protected statements made by that employee, or to administrative investigation findings based upon that employee's *Garrity*-protected statements.
 - 4) Department personnel conducting administrative internal investigations will not share either *Garrity*-protected statements made by an employee, nor administrative investigation findings based upon an employee's *Garrity*-protected statements, with personnel conducting a criminal investigation targeting that employee.
 - 5) Personnel conducting administrative internal investigations will be granted access to related criminal internal investigation interviews and information.

D. PERFORMANCE AND DEMEANOR COMPLAINT INVESTIGATION

1. For the purposes of this directive, a *Performance Complaint* and a *Demeanor Complaint* will be defined as an allegation made by any person indicating that an LPD employee's action, or failure to act, has constituted:
 - a. improper or inappropriate action or response
 - b. improper operation of a police vehicle
 - c. a violation of established departmental or City operational policies or procedures
 - d. a violation of established departmental or City employee rules of conduct.
 - e. any act, or failure to act, that does not rise to the level of constituting an *Allegation of Misconduct* as defined in III.C.1.
2. An allegation that does not specifically identify an act, or failure to act, that constitutes a performance or demeanor complaint as defined in III.D.1 will not be considered a valid complaint and will not require investigation.
3. All valid demeanor complaints and performance complaints – including anonymous complaints --communicated to the Lynchburg Police Department in any fashion:
 - a. will be documented and investigated according to procedures set forth within this directive.
 - b. These investigations will be initiated as administrative investigations to serve departmental purposes.
4. Receipt and forwarding of performance or demeanor complaints will be handled as follows:
 - a. An employee receiving a citizen's complaint in person or by telephone will refer the complainant to:
 - 1) the involved employee's immediate supervisor, or (if unavailable)
 - 2) the highest ranking supervisory officer available within a reasonable period of time.
 - b. An employee receiving a citizen's complaint by mail or facsimile will forward the complaint directly to the involved employee's immediate supervisor.
 - c. Employees receiving a citizen's complaint will not discuss it with persons other than those within the involved employee's chain of command, or the supervisor who is subsequently designated to investigate the complaint.
 - d. Any employee wishing to make a performance or demeanor complaint against another employee will do so to that employee's immediate supervisor, or to the next available person within that employee's chain of command.

5. Investigation of performance and demeanor complaints :
52.2.1 A

- a. An employee's immediate supervisor will normally be responsible for investigating performance and demeanor complaints.
- b. The involved employee's bureau commander may, as deemed necessary, direct that a demeanor or performance complaint be investigated by a supervisor outside the affected employee's chain of command.
- c. The investigating supervisor will be responsible for ensuring that the investigation conducted:
 - 1) is both adequate and appropriate to the nature and gravity of the complaint received
 - 2) is narrowly focused on the specific performance or demeanor problem alleged.
 - 3) is completed in a timely manner.
 - a) Due to the importance of providing timely feedback to involved employees, investigating supervisors will make every effort to complete performance / demeanor investigations within 30 calendar days.
 - b) As necessary, the investigating supervisor may request the involved employee's Division Captain to grant additional time for completion of an ongoing investigation.
- d. The investigating supervisor's responsibilities will include:
 - 1) complying with the general internal investigation guidelines set forth in section III.B of this directive
 - 2) speaking directly with the complainant, whenever the complainant is known and will agree to do so, in order to:
 - a) verify that the complaint has been received by supervisory staff
 - b) ensure that the complainant's allegation does constitute a valid performance or demeanor complaint
 - c) obtain and discuss details of the complaint-related incident(s)
 - d) provide periodic reports, as necessary, on the progress of the investigation.
 - e) notify the complainant(s) of investigation conclusion
 - 3) speaking with the involved employee, in order to:
 - a) notify the employee that a complaint has been received
 - b) obtain and discuss details of the complaint-related incident(s)

- c) notify the employee of investigation conclusion and findings
- 4) interviewing any other employee and/or civilian witnesses to the basis of the complaint
- 5) assessing all available information related to the incident
- 6) noting on the *Performance/Demeanor Complaint* form:
 - a) a detailed account of the original complaint
 - b) all contacts with the complainant(s)
 - c) contact with the involved employee
 - d) his investigative findings and conclusion of fact
 - e) his recommendation for departmental action
- 7) reviewing the investigative findings and action recommendation with:
 - a) the involved employee
 - b) the involved employee's chain of command
- e. The involved employee's chain of command will be responsible for:
 - 1) conducting or arranging for any remedial training deemed appropriate
 - 2) initiating any disciplinary action deemed appropriate according to procedures set forth within directive PD-0212 (*Disciplinary System*).
- f. Supervisors investigating a performance/demeanor complaint will not be required to request that the complainant(s) complete a written statement form.
 - 1) However, the investigating supervisor can request the complainant(s) to complete a written statement in any case where the supervisor deems such a written statement to be a significant investigative aid.
 - a) Such written statement will be documented by means of the *Allegation of Misconduct Statement* form.
 - b) On request, the complainant may be given a copy of the completed *Statement* form *only* if the complainant has signed the form.
 - c) The original *Allegation of Misconduct Statement* form will be attached to the original *Performance/Demeanor Complaint* form.

- 2) A complainant's failure or refusal to provide a written statement will not preclude conducting a performance or demeanor complaint investigation.

52.1.3, 52.1.9

6. The investigating supervisor will indicate in the space provided on the *Performance/Demeanor Complaint* form his conclusion of fact as one of the following:
 - a. **Sustained** - there is sufficient evidence to prove the allegation.
 - b. **Non Sustained** - there is insufficient evidence to either prove or disprove the allegation.
 - c. **Exonerated** - the alleged incident occurred, but the involved employee's action was lawful and proper.
 - d. **Unfounded** - the allegation is false or not factual.
 - e. **Policy Failure** - the allegation is true, however the employee's practices were consistent with departmental policy: as result, the policy should be reviewed to ensure that operational practices remain consistent with the department's philosophy.
 - f. **Complaint Withdrawn** – the person who made the performance/demeanor complaint withdraws the complaint and indicates they no longer wish to pursue the matter.
- 1) The Professional Standards Division Captain will determine the need for further investigation.
7. On completing his investigation, the investigating supervisor will forward the original *Performance/Demeanor Complaint* form (and any attachment) to his Division Captain for review.
 - a. On approval, the Division Captain will forward the original *Performance/Demeanor Complaint* form (and all attachments) to the Professional Standards Captain to have an internal investigation case number assigned and to maintain all investigation documents in a secure location.
 - b. *The* investigating supervisor will forward copies of the *Performance/Demeanor Complaint* form (without attachments) to:
 - 1) the affected employee
 - 2) the affected employee's unit file.
 - c. Copies of *Performance/Demeanor Complaint* forms will be maintained within the affected employee's unit file until the employee's next annual performance evaluation is completed.
 - 1) performance and demeanor complaints found to be *sustained* will be:
 - a) cited within the employee's annual performance evaluation

- b) considered in rating employee work performance during that evaluation period.
- 2) performance and demeanor complaints found to be *non-sustained*, employee *exonerated*, *unfounded*, or to have resulted from *policy failure* will not be cited within the employee's performance evaluation, or considered in rating employee performance during that evaluation period.
- d. On completion of the employee's annual performance evaluation, the rating supervisor will:
 - 1) remove the *Performance/Demeanor Complaint* form copies from the employee's unit file
 - 2) forward the *Performance/Demeanor Complaint* form copies to the affected employee's Division Captain.
- e. The employee's Division Captain will be responsible for:
 - 1) ensuring that *sustained* performance and demeanor complaints are appropriately cited within the affected employee's annual performance evaluation for that period
 - 2) forwarding the *Performance/Demeanor Complaint* form copies to the Professional Standards Captain.
- f. The Professional Standards Captain will be responsible for:
 - 1) checking the *Performance/Demeanor Complaint* form copies against the filed originals, to ensure that the originals are on file
 - 2) ensuring that performance and demeanor complaint data is accurately maintained within the department's electronic Early Warning System
 - 3) returning all *Performance/Demeanor Complaint* form copies to the involved employee, for destruction or preservation according to the employee's preference.
- 8. The *Performance/Demeanor Complaint* form (and form attachments) will be considered attorney work products -- no copy in addition to those specified by directive will be made without prior authorization from the Chief of Police.
- 9. The Professional Standards Division Captain will be responsible for:
 - a. ensuring that an accurate log of performance and demeanor complaint investigations is maintained in a secure manner
 - b. periodically providing the Chief of Police with statistical and other information pertaining to performance and demeanor complaints received.

E. USE OF FORCE INCIDENT REVIEW**1.3.7**

1. Sworn employee use of force incidents will be reviewed by supervisory staff according to:
 - a. the specific guidelines and timeframe set forth within directive PD-0602 (*Use of Force*)
 - b. the general internal investigation guidelines set forth within this directive.
2. Such reviews will be initiated as administrative investigations to serve departmental purposes.
3. High profile use of force incidents [as defined within directive PD-0402 (*Significant Incident Management*)] will be managed according to procedures set forth within that directive.

F. VEHICLE PURSUIT REVIEW

1. Vehicle pursuits conducted by sworn employees will be reviewed by supervisory staff according to:
 - a. the specific guidelines and timeframe set forth within directive PD-0702 (*Vehicle Pursuit*)
 - b. the general internal investigation guidelines set forth within this directive.
2. Such reviews will be initiated as administrative investigations to serve departmental purposes.
3. High profile vehicle pursuit incidents [as defined within directive PD-0402 (*Significant Incident Management*)] will be managed according to procedures set forth within that directive.

G. EMPLOYEE-INVOLVED MOTOR VEHICLE CRASH INVESTIGATION

1. Investigation of traffic crashes involving on-duty employees will be conducted according to:
 - a. the specific guidelines and timeframe set forth within directive PD-0207 (*Employee-Related Injuries and Motor Vehicle Crashes*)
 - b. the general internal investigation guidelines set forth within this directive.
2. Such investigations will be initiated as administrative investigations to serve departmental purposes.
3. High profile employee-involved motor vehicle crashes [as defined within directive PD-0402 (*Significant Incident Management*)] will be managed according to procedures set forth within that directive.

35.1.9**H.**

REVIEW OF EMPLOYEE "EARLY WARNING SYSTEM" ALERTS
(see also III. C of PD-0209 *Dealing With Stress Related Incidents*)

1. Supervisory staff will initiate an investigative review of circumstances constituting a departmental Early Warning System “alert” situation as set forth within directive PD-0209 (*Dealing with Stress-Related Incidents*).
2. Such “alert” may be generated by the department’s Early Warning System employee information database, by supervisory review, or by information provided by coworkers or other persons.
3. Such investigative reviews will be initiated as administrative investigations to serve departmental purposes that will include, but not be limited to, the following:
 - a. identifying and addressing employee training and/or developmental needs
 - b. identifying and addressing problem situations or work-related stress deemed to affect, or be likely to affect, employee well being or work performance.
4. When the Professional Standards Captain receives a notification from the Early Warning System that an employee has met or exceeded the criteria for a review, the Professional Standards Captain will:
 - a. review the data base to determine what has activated the system and the accuracy of the data.
 - b. report the findings to the employee’s Division Captain.
 - c. confer with the Division Captain on the appropriateness of assigning a supervisor to conduct an EWS administrative investigation.
5. The Division Captain will ensure a review of the early warning report is done to determine what, if any, actions need to be taken related to the alert and will speak with the involved employee, in order to:
 - a. notify the employee that the early warning system has indicated a review is in order
 - b. obtain and discuss details of the system alert
 - c. notify the employee of conclusion and findings of the review.

I. FITNESS FOR DUTY AND OTHER INTERNAL INVESTIGATIONS

1. Fitness for duty and other fact-finding investigations will be conducted according to general internal investigation guidelines set forth within this directive.
2. Fitness for duty and other fact-finding investigations will be initiated as administrative investigations to serve departmental purposes.
3. Guidelines and procedures for specialized internal investigations will be developed at the direction of the Chief of Police, based upon the specific requirements of the situation at hand.
4. The investigating supervisor will be responsible for ensuring that the investigation conducted:

- a. is both adequate and appropriate to the situation being investigated
- b. is narrowly focused on the specific performance or demeanor problem alleged.
- c. is completed in a timely manner.
 - 1) Investigating supervisors will make every effort to complete fitness for duty investigations within 50 calendar days.
 - 2) As necessary, the investigating supervisor may request the Chief of Police to grant additional time for completion of an ongoing investigation.

J. INTERNAL INVESTIGATION FILE MAINTENANCE

1. The Professional Standards Division Captain will be responsible for secure maintenance of records pertaining to completed:
 - a. allegation of misconduct investigations
 - b. performance complaint investigations
 - c. demeanor complaint investigations
 - d. fitness for duty investigations
 - e. other internal investigations, as directed by the Chief of Police.
2. The Field Operations Bureau Deputy Chief will be responsible for secure maintenance of records pertaining to completed:
 - a. use of force investigations
 - b. vehicle pursuit investigations
 - c. other internal investigations, as directed by the Chief of Police.
3. Allegation of misconduct investigative reports and all related attachments will be identified and filed by a unique control number, and will include the following documentation:
 - a. a copy of the *Allegation of Misconduct Form* and attachments
 - b. copies of all required departmental notification letters
 - c. all investigative reports and attachments
 - d. the findings of the investigating supervisor with regard to the specific allegation(s) made, and any ancillary issues or allegations identified during the course of the investigation.
4. Performance Complaint and Demeanor Complaint investigative reports and all related attachments will be identified and filed by a unique control number, and will include the following documentation:

- 1) a copy of the *Performance/Demeanor Complaint* form completed to document case information and findings
- 2) supporting information, attachments.
5. All Allegation of Misconduct, Performance Complaint and Demeanor Complaint internal investigation files will be maintained according to guidelines set forth by the Library of Virginia.
6. All internal investigation files and related records will be maintained in a secure location to ensure confidentiality.

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52.1.11

K. DISSEMINATION OF INTERNAL INVESTIGATION INFORMATION

1. The Investigations and Administration Bureau Deputy Chief will be responsible for submitting an annual report to the Chief of Police, compiling calendar year statistical summaries drawn from:
 - a. allegation of misconduct investigations conducted during the study period
 - b. performance and demeanor complaint investigations conducted during the study period.
2. Annual statistical summary information on citizen-initiated allegations of misconduct, performance complaints and demeanor complaints may be made available to any Lynchburg Police Department employee or any member of the general public upon request to the Professional Standards Captain.
3. The Chief of Police will be notified of all demeanor/performance and allegation of misconduct complaints made against agency employees.
 - a. Demeanor/performance and allegation of misconduct complaints will be assigned a case control number by the Professional Standards Captain.
 - b. The Professional Standards Captain will maintain a log of all demeanor/performance and allegation of misconduct complaints on agency employees.
 - 1) The Professional Standards Captain will forward a copy of the log to each of the Deputy Chiefs and the Chief of Police at the completion of each month.
 - c. The employee's Captain will ensure the Deputy Chief of Police is notified of all serious or potentially "high profile" complaints (i.e. domestic violence, bribery, criminal law violations, etc.) in a timely manner.
 - 1) The Deputy Chief will promptly forward this information to the Chief of Police if deemed appropriate and necessary.
 - d. All other complaints will be relayed to the Chief of Police in the monthly log maintained by the Professional Standards Captain.

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- e. Complaints not identified as time sensitive will be forwarded to the Chief of Police in the monthly log. Nothing in this directive shall prevent any supervisor from notifying the Chief of Police of any complaint when deemed necessary.

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- 4. The department's Criminal Investigations Captain will be responsible for submitting an annual report to the Chief of Police, compiling calendar year statistical summaries drawn from use of force investigative reviews conducted during the study period.
- 5. The department's Crime Analyst will be responsible for submitting an annual report to the Chief of Police, compiling calendar year statistical summaries drawn from vehicle pursuit investigative reviews conducted during the study period.

Original Signed

Parks H. Sned.
Chief of Police

May 23, 2014

Date