

## INTERNAL AFFAIRS 1-106

### **1-106.0 TITLE: DESTRUCTION OF POLICE DEPARTMENT'S INTERNAL INVESTIGATIONS FILE**

Effective Date: 05-02-85

Related Procedural manuals: Pat. 0-000

### **1-106.1 SYNOPSIS:**

The purpose of this section is to provide a guide to the procedure to be followed to destroy certain Internal Investigation files.

### **1-106.3 STATUTORY REFERENCES:**

Statutory References: 832.5 P.C. - Procedure for investigation of citizen's complaints against personnel.

### **1-106.5 PROCEDURES:**

- I. Pomona City Resolution #78-286 (Appendix "A"), issued on 10-30-78, and California Penal Code Section 832.5(b) (Appendix "B"), gives the Chief of Police (Department Head) the authority to destroy Police Department internal investigation files that are five years old and older, with three exceptions as follows:
  - A. Files pertaining to an investigation resulting in either termination or resignation of an employee must be retained.
  - B. Files pertaining to an investigation resulting in a sustained complaint require a brief summary providing the date and file number, name of employee involved, name, address and phone number of the complainant, and witnesses. A description of the allegations and the disposition rendered.
  - C. Files pertaining to complaints and investigations relative to civil suits against the City shall be retained until the case has been adjudicated and concluded.
- II. Procedure for destruction of Police Department Internal Investigation files:
  - A. All files five years old or older are reviewed to establish date of report and disposition.
  - B. All files with a sustained disposition are summarized on separate sheet of paper (see Appendix "D").
  - C. All files considered for destruction are listed by complainant's name and submitted to the Risk Manager's Office with a request for that office to review, list and report back any existing civil actions against the City by any of the listed complainants.

## INTERNAL AFFAIRS 1-106

### **1-106.0 TITLE: DESTRUCTION OF POLICE DEPARTMENT'S INTERNAL INVESTIGATIONS FILE**

Effective Date: 05-02-85

Related Procedural manuals: Pat. 0-000

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## INTERNAL AFFAIRS 1-107

### 1-107.0 TITLE: CIVIL ACTION - NOTIFICATION TO POLICE PERSONNEL

Effective Date: 11-14-96 (Author - Sgt. Valdez)

### 1-107.1 SYNOPSIS:

Outlines the process for notification of pending civil action.

### 1-107.2 POLICY/OVERVIEW:

The purpose of this procedure will be to outline the process of notification to any Pomona Police Department personnel named as a litigant in civil action resulting from a police action.

### 1-107.4 DEFINITION:

Claim for Damages: The first formal step in a pending claim for damages arising from an action taken by a City of Pomona employee in which the plaintiff claims a monetary loss. The claim is filed with the City of Pomona Risk Management Department.

Civil Suit: The formal filing in a state or federal court of a claim for specified or unspecified amounts of compensation to the plaintiff for the alleged wrongful act.

Claimant: The person/s filing a claim for damages with Risk Management.

Plaintiff: The person/s, or a person on behalf of another, filing a formal claim in a state or federal court to obtain a remedy for the wrongful act.

Litigant: The person/s involved in a lawsuit.

Defendant: The person(s) and/or entity being sued.

### 1-107.5 PROCEDURES:

- I. The Office of Administrative Investigations personnel, upon receipt of a claim for damages from Risk Management or a civil suit, shall initiate the following procedures.
  - A. Notice: Claim For Damages And Civil Lawsuits:
    1. Obtain all relevant information concerning the incident.
    2. Forward to Risk Management all information concerning the incident except that information which is confidential by law, i.e., citizen complaint, internal investigations, on-going investigations civil or criminal.
    3. Complete Form PPD # 365 (Notice of Pending Civil Action). Forward completed form to personnel named in the Claim For Damages and

## INTERNAL AFFAIRS 1-107

4. Attach copies of Claim For Damages and all information sent to Risk Management to Form PPD # 365 (Notice of Pending Civil Action) and begin case file for Administrative Investigations.
5. Personnel receiving Form PPD # 365 (Notice of Pending Civil Action) shall sign the bottom of the form, make a copy and return original to the Office of Administrative Investigations.

### II Update Notice: Claim for Damages

#### A. Administrative Investigations personnel shall

1. Contact Risk Management after 45 days from receipt of Claim For Damages and determine disposition of Claim.
2. Complete PPD Form # 366 (Claim For Damages/Civil Lawsuit Update) and forward to personnel named in Claim For Damages with appropriate disposition.
3. Upon settlement of the Claim For Damages by the City of Pomona, Administrative Investigation personnel shall delete all information from Administrative Investigation files.

### III. Update Notice: Civil Lawsuits

#### A. Administrative Investigation personnel shall

1. Upon receiving a final decision on a civil lawsuit, complete PPD Form # 366 (Claim For Damages/Civil Lawsuits - Update) and forward to personnel named in the lawsuit.
2. Upon settlement of the civil lawsuit, Administrative Investigation personnel shall delete all information from Administrative Investigation files.

**NOTE:.** Personnel named in civil lawsuits should be aware that some civil lawsuits may take years of litigation before there is a final resolve

**Pomona Police Department Form #PPD 365 and 366 ,  
effective/revision date 5/96 , is associated with this procedure.**

## INTERNAL AFFAIRS 1-108

### 1-108.0 TITLE: INTERNAL AFFAIRS CALL-OUT PROCEDURE

Effective Date: 05-31-18 (Author: Capt. Christian Hsu)

Related Procedures: Patrol 1-402

### 1-108.1 SYNOPSIS:

Procedures for calling-out Internal Affairs Investigators.

### 1-108.5 PROCEDURES:

I. Internal Affairs Investigators are assigned to the Professional Standards Unit and reports to the Office of the Chief of Police. They may be activated to respond to an event at the direction of the Executive Command Staff, Professional Standards Lieutenant or on-duty Watch Commander.

#### II. Types of Events Warranting a Call-Out

- a. Officer Involved Shooting; on-duty or off-duty,
- b. Any on-duty event (i.e. use-of-force, traffic collision, pursuit, etc.) that results in anyone; including the officer or professional staff receiving a significant injury or requiring admittance to a medical facility
- c. In-custody death.
- d. Criminal arrest or allegation of criminal behavior against Police Department staff.
- e. Any other event the Executive Command Staff, Professional Standards Lieutenant or on-duty Watch Commander concludes requires an Internal Affairs response.

#### III. Call-Out Procedures

- a. Executive Command Staff or on-duty Watch Commander will contact the Professional Standards Lieutenant and provide a briefing.
- b. Professional Standards Lieutenant will coordinate the Internal Affairs response.
  - i. Internal Affairs Investigators' response will be based on their availability if the request is made when they are in an off-duty status.
  - ii. If Internal Affairs Investigators are not available to respond, the Professional Standards Lieutenant will coordinate an alternative option.

**INTERNAL AFFAIRS**

**TABLE OF CONTENTS**

<b>I.</b>	<b><u>ADMINISTRATION</u></b>	<b>1-000 TO 1-999</b>
	Destruction of Police Department's Internal Investigations File .....	1-106
	Civil Action - Notification to Police Personnel .....	1-107
	Internal Affairs Call-Out Procedure.....	1-108

## INTERNAL AFFAIRS 1-106

- D. Any files relating to a civil action, or claim against the City are to be retained and held until that action is closed.
- E. The list of files to be destroyed is submitted to the Chief of Police with a letter of intent to destroy for the Chief's review and approval.
- F. All files with unfounded/not sustained dispositions, and not involved in on-going actions, and five years old or older, are then destroyed by shredding.

### APPENDIX

- "A" Copy of City Resolution 78-286.
- "B" Copy of City Attorney's Summary of Resolution, 78-286.
- "C" Copy of Penal Code Section 830.5(b).
- "D" Copy of Sample Summary.



## INTERNAL AFFAIRS 1-107

### 1-107.0 **TITLE: CIVIL ACTION - NOTIFICATION TO POLICE PERSONNEL**

Effective Date: 11-14-96 (Author - Sgt. Valdez)

### 1-107.1 **SYNOPSIS:**

Outlines the process for notification of pending civil action.

### 1-107.2 **POLICY/OVERVIEW:**

The purpose of this procedure will be to outline the process of notification to any Pomona Police Department personnel named as a litigant in civil action resulting from a police action.

### 1-107.4 **DEFINITION:**

Claim for Damages: The first formal step in a pending claim for damages arising from an action taken by a City of Pomona employee in which the plaintiff claims a monetary loss. The claim is filed with the City of Pomona Risk Management Department.

Civil Suit: The formal filing in a state or federal court of a claim for specified or unspecified amounts of compensation to the plaintiff for the alleged wrongful act.

Claimant: The person/s filing a claim for damages with Risk Management.

Plaintiff: The person/s, or a person on behalf of another, filing a formal claim in a state or federal court to obtain a remedy for the wrongful act.

Litigant: The person/s involved in a lawsuit.

Defendant: The person(s) and/or entity being sued.

### 1-107.5 **PROCEDURES:**

- I. The Office of Administrative Investigations personnel, upon receipt of a claim for damages from Risk Management or a civil suit, shall initiate the following procedures.
  - A. Notice: Claim For Damages And Civil Lawsuits:
    1. Obtain all relevant information concerning the incident.
    2. Forward to Risk Management all information concerning the incident except that information which is confidential by law, i.e., citizen complaint, internal investigations, on-going investigations civil or criminal.
    3. Complete Form PPD # 365 (Notice of Pending Civil Action). Forward completed form to personnel named in the Claim For Damages and

## INTERNAL AFFAIRS 1-107

4. Attach copies of Claim For Damages and all information sent to Risk Management to Form PPD # 365 (Notice of Pending Civil Action) and begin case file for Administrative Investigations.
5. Personnel receiving Form PPD # 365 (Notice of Pending Civil Action) shall sign the bottom of the form, make a copy and return original to the Office of Administrative Investigations.

### II Update Notice: Claim for Damages

#### A. Administrative Investigations personnel shall

1. Contact Risk Management after 45 days from receipt of Claim For Damages and determine disposition of Claim.
2. Complete PPD Form # 366 (Claim For Damages/Civil Lawsuit Update) and forward to personnel named in Claim For Damages with appropriate disposition.
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## INTERNAL AFFAIRS 1-108

### 1-108.0 TITLE: INTERNAL AFFAIRS CALL-OUT PROCEDURE

Effective Date: 05-31-18 (Author: Capt. Christian Hsu)

Related Procedures: Patrol 1-402

### 1-108.1 SYNOPSIS:

Procedures for calling-out Internal Affairs Investigators.

### 1-108.5 PROCEDURES:

I. Internal Affairs Investigators are assigned to the Professional Standards Unit and reports to the Office of the Chief of Police. They may be activated to respond to an event at the direction of the Executive Command Staff, Professional Standards Lieutenant or on-duty Watch Commander.

#### II. Types of Events Warranting a Call-Out

- a. Officer Involved Shooting; on-duty or off-duty,
- b. Any on-duty event (i.e. use-of-force, traffic collision, pursuit, etc.) that results in anyone; including the officer or professional staff receiving a significant injury or requiring admittance to a medical facility
- c. In-custody death.
- d. Criminal arrest or allegation of criminal behavior against Police Department staff.
- e. Any other event the Executive Command Staff, Professional Standards Lieutenant or on-duty Watch Commander concludes requires an Internal Affairs response.

#### III. Call-Out Procedures

- a. Executive Command Staff or on-duty Watch Commander will contact the Professional Standards Lieutenant and provide a briefing.
- b. Professional Standards Lieutenant will coordinate the Internal Affairs response.
  - i. Internal Affairs Investigators' response will be based on their availability if the request is made when they are in an off-duty status.
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**INTERNAL AFFAIRS**

**TABLE OF CONTENTS**

<b>I.</b>	<b><u>ADMINISTRATION</u></b>	<b>1-000 TO 1-999</b>
	Destruction of Police Department's Internal Investigations File .....	1-106
	Civil Action - Notification to Police Personnel .....	1-107
	Internal Affairs Call-Out Procedure.....	1-108

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**INTERNAL AFFAIRS**

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Destruction of Police Department’s Internal Investigations File .....	1-106
Civil Action - Notification to Police Personnel .....	1-107
Internal Affairs Call-Out Procedure.....	1-108

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