

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 14

September 11, 2019


SUBJECT: LETTER OF TRANSMITTAL – REVISED

PURPOSE: On September 8, 2016, the Office of the Chief of Police Notice, *Personnel Complaint Letter of Transmittal – Revised*, was published in order to revise the format of the Letter of Transmittal (LOT). This Order amends Department Manual Section 3/831.10, *Letter of Transmittal*, to revise existing language and to add several additional subtitles within the LOT.

PROCEDURE: Department Manual Section 3/831.10, *Letter of Transmittal*, has been revised and is attached with the revisions indicated in italics.

AMENDMENT: This Order amends Section 3/831.10 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHAEL R. MOORE
Chief of Police

Attachment

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831.10 LETTER OF TRANSMITTAL. The Letter of Transmittal (*LOT*) shall be written using either the Short Form or the standard *LOT* formats, with the appropriate classification(s) used for misconduct allegations. Commanding officers shall familiarize themselves with the criteria for each classification and ensure *LOTs* are written to sufficiently address all allegations of misconduct raised by the complainant(s) and support the recommended classifications and penalty.

Note: Non-Disciplinary complaints do not require an *LOT*. In order to comply with California Penal Code (CPC) Section 832.5, which prohibits inclusion into an officer's personnel record for any portion of a public complaint determined to be "frivolous, unfounded, or exonerated," *LOTs* shall be prepared in the following manner:

- When an *LOT* contains sustained allegations, the *LOT* shall be organized as follows: (1) Sustained, and any (2) Not Resolved, followed by a page break, then (3) all other classifications, followed by a page break, followed by the Administrative Insight, etc. In this manner, only a copy of those sections of the *LOT* discussing Sustained (or Sustained and Not Resolved) allegations will be placed into the concerned employee's personnel record; and,
- The original *LOT* and supporting complaint investigation will be retained at Internal Affairs Group (*IAG*).

The *LOT* shall contain the following headings:

- Adjudication;
- Allegation;
- Classification;
- Rationale;
- *Digital In-Car Video, Body Worn Video, and Other Video or Audio Recordings;*
- *Employee Development Plan (This is particularly important for complaints with sustained allegations, and may be used for Not Resolved or Insufficient Evidence to Adjudicate, if warranted.);*

Note: The Employee Development Plan and the sections that follow shall be completed separately for each accused employee and separated from other accused employees to ensure confidentiality of an employee's employment records upon Skelly service.

- *Penalty;*

Note: Penalty rationales shall reference the Penalty Guide and provide an explanation for any deviations.

- Work History Analysis (Not intended to recapitulate the TEAMS II, which is attached for each accused employee. This section is necessary only in cases of Not-Resolved and/or Sustained allegations in order to analyze a pattern of conduct.);
- *Work Permit Review;*
- Relief from Duty Consideration;

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- Actions Taken; *and*,
- *Signature Page (separate page with a signature block for the commanding officer approving the LOT).*

Note: Refer to the Office of the Chief of Police Notice, Personnel Complaint Letter of Transmittal – Revised, dated September 8, 2016, for heading explanations.

Note: As a reminder, any Downgrade/Deselection related to the allegations in the LOT is to be requested separately from the LOT in accordance with Manual Section 3/763.55. An LOT shall not include a recommendation for, or any additional information related to, a Downgrade/Deselection.

The *LOT* for Short Form complaints shall immediately follow after the investigation, using the following headings:

- Allegation;
- Classification;
- Rationale;
- *Digital In-Car Video, Body Worn Video, and Other Video or Audio Recordings;*
- *Employee Development Plan;*
- Penalty;
- Work History Analysis; *and*,
- *Actions Taken.*

In adjudicating a complaint of misconduct, the commanding officer may consider evidence of prior acts; irrespective of whether they were associated with a complaint investigation against the accused and irrespective of the resolution of such complaint, if relevant to the charges, such as, if tending to prove that the conduct charged is consistent with a pattern of conduct. Consideration of evidence of prior acts must be clearly articulated in the *LOT* and copies of evidence of such acts shall be provided to the employee at the time of service of the Complaint Adjudication Form (*CAF*), Form 01.28.05. If the evidence of such acts is in a document other than a *CAF*, it shall be included as part of the addenda. If the evidence of such acts is in a *CAF*, a copy of the report(s) shall be forwarded with the Complaint Investigation to IAG.

Note: Evidence of prior acts may be noted in an *Employee Comment Sheet, Form 01.77.00*, Notice to Correct Deficiencies, *Form Gen. 78*, Performance Evaluation Reports or other documents.

Disposition of Duplicate Complaint. *An LOT does not need to be completed in order to close a Complaint Investigation when the complaint is a duplicate of one referenced under a different CF number and no new issues of misconduct were raised.*

Exception: When the complaint is a duplicate of one referenced under a different CF number and the new allegation(s) raised do not appear to require a separate investigation, this fact shall

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be discussed with the Commanding Officer, IAG, who *shall* determine whether “*Duplicate*” is an appropriate disposition or if a separate investigation should be conducted.

Requirement for Approval of Bureau Commanding Officer or Other Reviewing Officer.

Commanding officers are not required to obtain concurrence of the bureau commanding officer or other reviewing officer for the disposition of a complaint and/or penalty. However, when administering a penalty of an admonishment or less, the concerned commanding officer shall cause the employee to review and sign the *CAF*. This does not preclude the Chief of Police from making a determination that a more serious penalty is warranted.

Responsibilities of Bureau Commanding Officer or other Reviewing Officer. *Commanding officers or an authorized designee from the accused employee’s bureau and/or group, and the Chief of Staff shall review the investigation, classification, rationale and administrative insight of all complaints completed under their command. The Commanding Officer or authorized designee shall ensure that all allegations raised by the complainant have been identified and addressed and that actions taken, recommendations made, and a response to the complainant were noted and copies of correspondence, other pertinent documents and/or addenda are attached. The reviewer shall endorse by signing the CAF, for each accused employee.*

Any comments or recommendations either for approval or disapproval shall be placed under “Military Endorsement Rationale” on the reverse side of the *CAF* or *documented within an Intradepartmental Correspondence, Form 15.02.00*, and forwarded to the next level of review.