

PROFESSIONAL STANDARDS BUREAU

NOTICE
1.13

February 23, 2022

TO: All Department Personnel

FROM: Commanding Officer, Professional Standards Bureau

SUBJECT: IMMEDIATE ADJUDICATION OF DEMONSTRABLY FALSE
COMPLAINTS – GUIDANCE

Many complaints are eligible to be adjudicated Demonstrably False (DF) at intake when the evidence clearly proves the alleged conduct did not occur. However, Professional Standards Bureau (PSB) has found commands are not taking advantage of this streamlined process. In addition to saving time and resources, accused employees benefit when their complaints are promptly adjudicated. This Notice provides guidance on the procedure for completing and processing complaints that were eligible to be adjudicated DF at intake but were not. It also affirms that ALL allegation types (including biased policing) may be adjudicated DF as long as they meet the criteria specified in Department Manual (DM) Section 3/818, *Non-Disciplinary Complaints*.

Note: The classification criteria for Non-Disciplinary complaints and the DF disposition are outlined in Administrative Order No. 6, *Non-Disciplinary Complaints – Revised*, dated May 31, 2016 and DM 3/818. The procedure for completing and processing complaints determined to be DF at intake are detailed in Office of the Chief of Police (OCOP) Notice, *Immediate Adjudication of Complaints Determined to be Demonstrably False at Intake*, dated July 28, 2016.

Processing Demonstrably False Complaints After the Intake Stage

When audio and/or video evidence clearly disprove all allegations, the complaint may be adjudicated as Demonstrably False immediately if the DF was not completed at intake. Follow the procedure outlined in the above referenced OCOP Notice but document the requisite evidence on a Complaint Adjudication Form (LAPD Form No. 01.28.05). A complaint investigation and Letter of Transmittal are not required. Exemplars are attached.

Questions about this Notice should be directed to Review and Evaluation Section, PSB, at (213) 996-2771.



MICHAEL P. RIMKUNAS, Deputy Chief
Commanding Officer
Professional Standards Bureau

APPROVED:



DANIEL RANDOLPH, Deputy Chief
Chief of Staff
Office of the Chief of Police

DISTRIBUTION "D"

Attachments

Attachment 1

SCENARIO A: The incident did not occur as alleged.

EXEMPLAR A1: Closing the complaint as Demonstrably False (DF) at intake through the Complaint Form (CF).

This is the preferred method. When all allegations have been clearly disproven, the complaint can be promptly adjudicated at intake without interviewing accused and witness officers. There is no need to complete a Complaint Adjudication Form (CAF) if the complaint is closed as Demonstrably False with the Complaint Form (CF).

SCENARIO A: INCIDENT DID NOT OCCUR AS ALLEGED
EXEMPLAR A1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)

Los Angeles Police Department

Complaint Review Report

COMPLAINT FORM

Statute Date: 05/20/2022

Investigative Complexity:

Masked: No

CF No.: 21-000000

Complainant(s)

Name:	Public, John Q.	Masked:	No
DOB:	07/09/1943	Residential Address:	123 ABC Avenue
Gender/Descent:	Male / Black		Los Angeles, California 90000
Language:		Subj of Incident:	Yes
Injury:	None	Source:	Public-Person Involved
Arrested:	No	Method:	Verbal (in person)
Booking No.:		Phone:	
Identification:	DL A1234567	Email:	Not Provided

Date and Location of Occurrence

Beginning/End Date:	05/20/2021	RD / Area Division:	0192 / Central Area
Cross Street 1:		Begin/End Time:	22:39
Cross Street 2:			
Address:	8400 South Budlong Avenue Los Angeles California		

Accused Employee(s)

Name:	Smith, John - 86753, PO 2 CENT PAT W3	Masked:	No
DOB:	11/28/1990	Alcohol Involved:	
Gender/Descent:	Male / HIS	Business Address:	
Length of Service:	5 Years 11 Months 5 Days	Assignment:	CAR
Injury:	None	Duty Status:	On Duty
Arrested:	No	Phone:	
Booking No.:		Email:	Not Provided

Name:	Doe, John - 86757, PO 2 CENT PAT W3	Masked:	No
DOB:	4/16/1995	Alcohol Involved:	
Gender/Descent:	Male / HIS	Business Address:	
Length of Service:	2 Years 6 Months 21 Days	Assignment:	CAR
Injury:	None	Duty Status:	On Duty
Arrested:	No	Phone:	
Booking No.:		Email:	Not Provided

Involved Person(s)

Name:		Masked:	
Involved Person Type:		Address:	
DOB:			
Gender/Descent:		Subject of Incident:	
Identification:		Phone:	
		Email:	Not Provided

Brief Summary

CP stated that he was profiled due to his age by Officer Smith and Officer Doe and further stated Officer Smith removed him from the vehicle, handcuffed him and told him to "sit down old man."

Reported to Uninv	Uninvolved	Doe, Jane - 67890, SGT 2 CENT
Supervisor:	Supervisor Name:	PAT W2
Recorded By:	Preliminary	Unknown
	Investigator	
IAG CLASS:	Cross Reference:	21052000005296 Master Incident Number
Undetermined		

Supervisor Reviewing Serial No.	Area/Division	Complaint Type	Entity Investigating	Prima Facie
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SCENARIO A: INCIDENT DID NOT OCCUR AS ALLEGED
EXEMPLAR A1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)

Los Angeles Police Department

Complaint Review Report

COMPLAINT FORM

Statute Date: 05/20/2022

Investigative Complexity:

Masked: No

CF No.: 21-000000

Disciplinary

UNKNOWN

SCENARIO A: INCIDENT DID NOT OCCUR AS ALLEGED
EXEMPLAR A1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)

Los Angeles Police Department

Complaint Review Report

Statute Date: 05/20/2022

COMPLAINT FORM

Masked: No

CF No.: 21-000000

Preliminary Investigative Narrative:

It is recommended that CF No 21-000000 be closed as **Non-Disciplinary, Demonstrably False**.

On May 20, 2021, Police Officer II John Smith, Serial No. 86753 and his partner, Police Officer II John Doe, Serial No. 86757, initiated a traffic stop on complainant John Q. Public for speed and failure to use a turn signal. Smith cited Public for speed and warned him for the turn signal. On May 20, 2021, Public contacted Central front desk and spoke with Sergeant II Jane Doe, Serial No. 67890. Public told Jane Doe he was stopped by Smith for a traffic violation he did not commit. He further stated Smith removed him from the vehicle, handcuffed him and told him to "sit down old man." Public believed Smith treated Public unprofessionally due to his age.

On May 20, 2021, Public alleged Smith detained him for a traffic violation he did not commit and made a discourteous comment due to his age.

I, Sergeant II Jane Doe, Serial No. 67890, reviewed the continuous BWV/DICV footage for the contact between Smith and Public. The DIVC refutes the allegation that Public was stopped for traffic violations he did not commit. Public was seen driving faster than the flow of traffic, passing multiple vehicles and failing to use his turn signal when negotiating lane changes. Prior to stopping Public, Doe made a comment to Smith that they could not properly pace Public because they were having difficulty keeping up with him. Public was cited for driving 65 mph in a 35 mph zone, (Citation No. FL23S67).

Additionally, Public was never removed from the vehicle, never handcuffed and at no point did Smith say, "sit down old man," or anything similar to that. Based on the video evidence, it is recommended that this complaint be adjudicated as **Non-Disciplinary, Demonstrably False**.

Note: No interviews required due to BWV.

SCENARIO A: INCIDENT DID NOT OCCUR AS ALLEGED
EXEMPLAR A1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)

Los Angeles Police Department

Complaint Review Report

Statute Date: 05/20/2022

COMPLAINT FORM

Masked: No

CF No.: 21-000000

<input type="checkbox"/>	PTC:	DR No.	Date of Traffic Collision	Fleet Safety History (Prior PTCs)	
				Last 5 Years	Career
<input type="checkbox"/>	FTA:	Court Date	Court Case No.	FTA History (Sustained Only)	
				Last 5 Years	Career
<input type="checkbox"/>	FTQ:	Qualification Month / Year	Reason	FTQ History (Sustained Only)	
			Forgot <input type="checkbox"/> Shot and Failed <input type="checkbox"/>	Last 5 Years	Career

☐ **Disciplinary**

Non-Disciplinary (Check the applicable box below)

- ☐ **POLICY/PROCEDURE** - The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee's actions.
- ☐ **EMPLOYEE'S ACTIONS DID NOT RISE TO THE LEVEL OF MISCONDUCT** - A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure.
- ☐ **EMPLOYEE'S ACTIONS COULD HAVE BEEN DIFFERENT** - The facts in the complaint revealed the employee's actions could have been different. However, the employee's act or omission is best addressed through corrective action by the employee's commanding officer. The corrective action(s) taken was: (Check all that apply)
- ☐ COUNSELING
- ☐ TRAINING
- ☐ COMMENT CARD
- ☐ NOTICE TO CORRECT DEFICIENCIES
- ☐ REFERRAL
- ☒ **DEMONSTRABLY FALSE** - The complaint was demonstrably false, or, demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints.
- ☐ **DEPARTMENT EMPLOYEE(S) NOT INVOLVED** - The preliminary investigation revealed that the complaint did not involve Department employee(s).
- ☐ **RESOLVED THROUGH ALTERNATIVE COMPLAINT RESOLUTION (ACR)** - The complainant and the employee(s) resolved the complaint through ACR.

AREA / DIVISION COMMANDING OFFICER			<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> REFERRED FOR DISCIPLINARY CONSIDERATION			GROUP/BUREAU CO			<input checked="" type="checkbox"/> CONCUR <input type="checkbox"/> DO NOT CONCUR				
NAME (PLEASE PRINT) Dolores James			RANK Captain I		AREA / DIV Central Area		NAME (PLEASE PRINT) James Hunt			RANK D.Chief		GROUP / BUREAU Central Bureau	
SIGNATURE / SERIAL NO. <i>DJames</i> 32111			DATE 5/22/2021		SIGNATURE / SERIAL NO. <i>JHunt</i> 24680			DATE 5/23/2021					

Attachment 2

SCENARIO A: The incident did not occur as alleged.

EXEMPLAR A2: Closing the complaint as Demonstrably False (DF) through the Complaint Adjudication Form (CAF).

This method is used when the Demonstrably False complaint is not closed at intake.

Complaint Adjudication Form

<== Date on the IAG, ARS-Communication Slip, or on the chain of command investigation
(Manual Section 3/824).

CF No.

21-000000

EMPLOYEE:

☒ Multiple Employees

LAST NAME, FIRST M.I.

Smith, John

☐ UNKNOWN

SERIAL NO.

86753

RANK AT TIME OF INCIDENT

Police Officer II

AREA/DIV. AT TIME OF INCIDENT

Central

DUTY STATUS

☒ ON ☐ OFF

ARRESTED

☐ YES ☒ NO

ASSIGNMENT TYPE AT TIME OF INCIDENT

☒ PATROL ☐ AREA DETECTIVE ☐ ADMIN/COVETED ☐ SPECIALIZED DIV ☐ UNIFORM GED

COMPLAINANT (LAST NAME, FIRST, M.I.)

Public, John Q.

☐ DEPARTMENT**ADJUDICATION SUMMARY:** Enter allegation number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.

	SUSTAINED	NOT RESOLVED	UNFOUNDED	EXONERATED	INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY					
							No Penalty	Admon	OR	Susp Days	Demotion	Discharge or Term on Probation
Division Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Area Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Group Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Bureau Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Chief of Police							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

PENALTY RATIONALE: (Explain, if recommendation deviates from Penalty Guide.)☐ PTC (See attached Form 1.13 for findings and penalty recommendation.)**CLASSIFICATION:**It is recommended that CF No 21-000000 be closed as **Non-Disciplinary, Demonstrably False.****SUMMARY:**

On May 20, 2021, Police Officer II John Smith, Serial No. 86753 and his partner, Police Officer II John Doe, Serial No. 86757, initiated a traffic stop on complainant John Q. Public for speed and failure to use a turn signal. Smith cited Public for speed and warned him for the turn signal. On May 20, 2021, Public contacted Central front desk and spoke with Sergeant II Jane Doe, Serial No. 67890. Public told Jane Doe he was stopped by Smith for a traffic violation he did not commit. He further stated Smith removed him from the vehicle, handcuffed him and told him to "sit down old man." Public believed Smith treated Public unprofessionally due to his age.

ALLEGATION:

On May 20, 2021, Public alleged Smith detained him for a traffic violation he did not commit and made a discourteous comment due to his age.

RATIONALE:

I, Sergeant II Jane Doe, Serial No. 67890, reviewed the continuous BWV/DICV footage for the contact between Smith and Public. The DIVC refutes the allegation that Public was stopped for traffic violations he did not commit. Public was seen driving faster than the flow of traffic, passing multiple vehicles and failing to use his turn signal when negotiating lane changes. Prior to stopping Public, Doe made a comment to Smith that they could not properly pace Public because they were having difficulty keeping up with him. Public was cited for driving 65 mph in a 35 mph zone (Citation No. F123567).

Additionally, Public was never removed from the vehicle, never handcuffed and at no point did Smith say, "sit down old man," or anything similar to that. Based on the video evidence, it is recommended that this complaint be adjudicated as **Non-Disciplinary, Demonstrably False.**

Note: No interviews required due to BWV.

SCENARIO A: INCIDENT DID NOT OCCUR AS ALLEGED**EXEMPLAR A2 - DF COMPLAINT NOT CLOSED AT INTAKE; DF AT ADJUDICATION**☐ Continued on back

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE (ADMONISHMENT ONLY)	SERIAL NO.	DATE
<i>DJames</i>	32111	5/22/2021			
GROUP/AREA COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	<input checked="" type="checkbox"/> Concur	<input type="checkbox"/> Military Endorsement (See back page.)	
<i>MMendoza</i>	45612	5/23/2021			
BUREAU COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	<input checked="" type="checkbox"/> Concur	<input type="checkbox"/> Military Endorsement (See back page.)	
<i>JHunt</i>	24680	5/23/2021			

Internal Affairs Group Use Only

FINAL
DEPARTMENT
ACTION☐ CSC OVERULE☐ BOR - GUILTY (Counts:)☐ BOR - NOT GUILTY (Counts:)

NAMED EMPLOYEE (LAST NAME, FIRST, MI)

Smith, John

☐ UNKNOWN

CF No.

21-000000

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form. **You have an opportunity to respond orally or in writing by:**

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

- | | |
|--|---|
| <input checked="" type="checkbox"/> I have received a copy of the investigation materials. | <input type="checkbox"/> I intend to submit a response. |
| <input type="checkbox"/> I have waived my right to receive a copy of the investigative material. | <input checked="" type="checkbox"/> I do not intend to submit a response. |
| <input type="checkbox"/> I was informed of my right to representation prior to discussing this matter. | <input type="checkbox"/> I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee). |

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurrence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE SERIAL NO. DATE
DJames 32111 5/22/2021

EMPLOYEE'S SIGNATURE SERIAL NO. DATE
John Smith 86753 5/25/2021

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- | | | |
|--|--|--|
| <input type="checkbox"/> No employee response was submitted by the date specified. | <input type="checkbox"/> After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty. | <input type="checkbox"/> A review of the employee's response has caused me to take the following actions: (See below). |
|--|--|--|

SCENARIO A: INCIDENT DID NOT OCCUR AS ALLEGED
EXEMPLAR A2 - DF COMPLAINT NOT CLOSED AT INTAKE; DF AT ADJUDICATION

☐ See continuation page

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page

Attachment 3

SCENARIO B: The incident occurred; however, the allegation is still Demonstrably False as evidence clearly proves that no misconduct was committed.

EXEMPLAR B1: Closing the complaint as Demonstrably False (DF) at intake through the Complaint Form (CF).

This is the preferred method. When all allegations have been clearly disproven, the complaint can be promptly adjudicated at intake without interviewing accused and witness officers. There is no need to complete a Complaint Adjudication Form (CAF) if the complaint is closed as Demonstrably False with the Complaint Form (CF).

SCENARIO B: INCIDENT OCCURRED**EXEMPLAR B1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)**

Los Angeles Police Department

Complaint Review Report

COMPLAINT FORM

Statute Date: 02/05/2022

Investigative Complexity:

Masked: No

CF No.: 21-XXXXXX

Complainant(s)

Name:	Doe, Jane	Masked:	No
DOB:	Unknown	Residential Address:	123 ABC Avenue
Gender/Descent:	Female / WHITE		Los Angeles, California 90000
Language:		Subj of Incident:	Yes
Injury:	None	Source:	Public-Person Involved
Arrested:	No	Method:	Verbal (in person)
Booking No.:		Phone:	
Identification:	DL A1234567	Email:	Not Provided

Date and Location of Occurrence

Beginning/End Date:	02/05/2021	RD / Area Division:	0192 / Central Area
Cross Street 1:		Begin/End Time:	22:39
Address:	8400 South Budlong Avenue Los Angeles California	Cross Street 2:	

Accused Employee(s)

Name:	Smith, John - 86753, PO 2 CENT PAT W3	Masked:	No
DOB:	11/28/1990	Alcohol Involved:	
Gender/Descent:	Male / HIS	Business Address:	
Length of Service:	5 Years 11 Months 5 Days	Assignment:	CAR
Injury:	None	Duty Status:	On Duty
Arrested:	No	Phone:	
Booking No.:		Email:	Not Provided

Name:	Doe, John - 86757, PO 2 CENT PAT W3	Masked:	No
DOB:	4/16/1995	Alcohol Involved:	
Gender/Descent:	Male / HIS	Business Address:	
Length of Service:	2 Years 6 Months 21 Days	Assignment:	CAR
Injury:	None	Duty Status:	On Duty
Arrested:	No	Phone:	
Booking No.:		Email:	Not Provided

Involved Person(s)

Name:		Masked:	
Involved Person Type:		Address:	
DOB:			
Gender/Descent:		Subject of Incident:	
Identification:		Phone:	
		Email:	Not Provided

Brief Summary

CP stated that she was profiled due to her gender by Officer Smith and Officer Doe.

Reported to Univ		Uninvolved	Williams, Jane - 67890, SGT 2 CENT
Supervisor:	02/05/2021	Supervisor Name:	PAT W2
Recorded By:	Williams, Jane - 67890, SGT 2 CENT	Preliminary	Unknown
	PAT W2	Investigator	
IAG CLASS:	Undetermined	Cross Reference:	21052000005296 Master Incident Number

Supervisor Reviewing Serial No.	Area/Division	Complaint Type	Entity Investigating	Prima Facie
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SCENARIO B: INCIDENT OCCURRED

EXEMPLAR B1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)

Los Angeles Police Department

Complaint Review Report

COMPLAINT FORM

Statute Date: 02/05/2022

Investigative Complexity:

Masked: No

CF No.: 21-XXXXXX

Disciplinary

UNKNOWN

SCENARIO B: INCIDENT OCCURRED**EXEMPLAR B1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)****Los Angeles Police Department****Complaint Review Report****Statute Date: 02/05/2022****COMPLAINT FORM****Masked: No****CF No.: 21-XXXXXX****Preliminary Investigative Narrative:**

It is recommended that CF No. 21-XXXXXX be closed as Non-Disciplinary, Demonstrably False.

On February 4, 2021, Police Officer II John Smith, Serial No. 86753 and his partner, Police Officer II John Doe, Serial No. 86757, initiated a traffic stop on complainant Jane Doe for speed. Smith cited Doe for speed. On February 5, 2021, Doe contacted Central front desk and spoke with Sergeant II Jane Williams, Serial No. 67890. Doe agreed that she was speeding; however, she alleged officers did not cite other speeding drivers and they only stopped her because of her gender.

On February 4, 2021, Jane Doe alleged John Smith and John Doe initiated a traffic stop due to her gender.

I, Sergeant II Jane Williams, Serial No. 67890, reviewed the officers' continuous BWV footage which captured the entire incident. The video confirmed the officers used LIDAR and clocked the complainant's car going 60mph in a 35mph. Doe was also seen driving faster than the flow of traffic and passing multiple vehicles. Doe's car windows were tinted, and the occupant could not be seen close enough to determine any characteristics. Officer Smith cited Doe for speeding. Continuous BWV footage shows that similar vehicles clocked going over the speed limit were stopped. Citation history review shows that Smith and/or Doe cited every car they stopped for speeding.

Based on the video evidence, it is recommended that this complaint be adjudicated as **Non-Disciplinary, Demonstrably False**.

Note: No interviews required due to BWV.

SCENARIO B: INCIDENT OCCURRED**EXEMPLAR B1 - CLOSE COMPLAINT AS DF AT INTAKE (PREFERRED METHOD)**

Los Angeles Police Department

Complaint Review Report

Statute Date: 02/05/2022

COMPLAINT FORM

Masked: No CF No.: 21-XXXXXX

<input type="checkbox"/> PTC:	DR No.	Date of Traffic Collision	Fleet Safety History (Prior PTCs)	
			Last 5 Years	Career
<input type="checkbox"/> FTA:	Court Date	Court Case No.	FTA History (Sustained Only)	
			Last 5 Years	Career
<input type="checkbox"/> FTQ:	Qualification Month / Year	Reason	FTQ History (Sustained Only)	
		<input type="checkbox"/> Forgot <input type="checkbox"/> Shot and Failed	Last 5 Years	Career

☐ Disciplinary**Non-Disciplinary (Check the applicable box below)**

- ☐ **POLICY/PROCEDURE** - The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee's actions.
- ☐ **EMPLOYEE'S ACTIONS DID NOT RISE TO THE LEVEL OF MISCONDUCT** - A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure.
- ☐ **EMPLOYEE'S ACTIONS COULD HAVE BEEN DIFFERENT** - The facts in the complaint revealed the employee's actions could have been different. However, the employee's act or omission is best addressed through corrective action by the employee's commanding officer. The corrective action(s) taken was: (Check all that apply)
- ☐ COUNSELING
☐ TRAINING
☐ COMMENT CARD
☐ NOTICE TO CORRECT DEFICIENCIES
☐ REFERRAL
- ☒ **DEMONSTRABLY FALSE** - The complaint was demonstrably false, or, demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints.
- ☐ **DEPARTMENT EMPLOYEE(S) NOT INVOLVED** - The preliminary investigation revealed that the complaint did not involve Department employee(s).
- ☐ **RESOLVED THROUGH ALTERNATIVE COMPLAINT RESOLUTION (ACR)** - The complainant and the employee(s) resolved the complaint through ACR.

AREA / DIVISION COMMANDING OFFICER		<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> REFERRED FOR DISCIPLINARY CONSIDERATION	GROUP/BUREAU CO		<input checked="" type="checkbox"/> CONCUR	<input type="checkbox"/> DO NOT CONCUR
NAME (PLEASE PRINT) Dolores James		RANK Captain I	AREA / DIV Central Area	NAME (PLEASE PRINT) James Hunt		RANK D.Chief	GROUP / BUREAU Central Bureau
SIGNATURE / SERIAL NO. DJames 32111		DATE 2/7/2021		SIGNATURE / SERIAL NO. JHunt 24680		DATE 2/9/2021	

Attachment 4

SCENARIO B: The incident occurred; however, the allegation is still Demonstrably False as evidence clearly proves that no misconduct was committed.

EXEMPLAR B2: Closing the complaint as Demonstrably False (DF) through the Complaint Adjudication Form (CAF).

This method is used when the Demonstrably False complaint is not closed at intake.

Complaint Adjudication Form

<== Date on the IAG, ARS-Communication Slip, or on the chain of command investigation
(Manual Section 3/824).

CF No.

21-XXXXXX

EMPLOYEE:

☒ Multiple Employees

LAST NAME, FIRST M.I.

Smith, John

☐ UNKNOWN

SERIAL NO.

86753

RANK AT TIME OF INCIDENT

Police Officer II

AREA/DIV. AT TIME OF INCIDENT

Central

DUTY STATUS

☒ ON ☐ OFF

ARRESTED

☐ YES ☒ NO

ASSIGNMENT TYPE AT TIME OF INCIDENT

☒ PATROL ☐ AREA DETECTIVE ☐ ADMIN/COVETED ☐ SPECIALIZED DIV ☐ UNIFORM GED

COMPLAINANT (LAST NAME, FIRST, M.I.)

Doe, Jane

☐ DEPARTMENT**ADJUDICATION SUMMARY:** Enter allegation number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.

	SUSTAINED	NOT RESOLVED	UNFOUNDED	EXONERATED	INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY					
							No Penalty	Admon	OR	Susp Days	Demotion	Discharge or Term on Probation
Division Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Area Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Group Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Bureau Commanding Officer							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Chief of Police							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

PENALTY RATIONALE: (Explain, if recommendation deviates from Penalty Guide.) ☐ PTC (See attached Form 1.13 for findings and penalty recommendation.)**CLASSIFICATION:**It is recommended that CF No 21-XXXXXX be closed as **Non-Disciplinary, Demonstrably False.****SUMMARY:**

On February 4, 2021, Police Officer II John Smith, Serial No. 86753 and his partner, Police Officer II John Doe, Serial No. 86757, initiated a traffic stop on complainant Jane Doe for speed. Smith cited Doe for speed. On February 5, 2021, Doe contacted Central front desk and spoke with Sergeant II Jane Williams, Serial No. 67890. Doe told Williams she was stopped by Smith for a traffic violation, but did not stop others who committed the same violation. Jane Doe believed Smith and Doe stopped only her due to her gender.

ALLEGATION:

On February 4, 2021, Jane Doe alleged John Smith and John Doe initiated a traffic stop due to her gender.

RATIONALE:

I, Sergeant II Jane Williams, Serial No. 67890, reviewed the continuous BWV/DICV footage which captured the incident. The video confirmed the officers used LIDAR and clocked the complainant's car going 60mph in a 35mph. Doe was also seen driving faster than the flow of traffic and passing multiple vehicles. Doe's car windows were tinted, and the occupant could not be seen close enough to determine any characteristics. Officer Smith cited Doe for speeding. Continuous BWV footage shows that similar vehicles clocked going over the speed limit were stopped. Citation history review shows that Smith and/or Doe cited every car they stopped for speeding.

Based on the video evidence, it is recommended that this complaint be adjudicated as **Non-Disciplinary, Demonstrably False.**

Note: No interviews required due to BWV.

SCENARIO B: INCIDENT OCCURED**EXEMPLAR B2 - DF COMPLAINT NOT CLOSED AT INTAKE; DF AT ADJUDICATION**☐ Continued on back

DIVISION COMMANDING OFFICER'S SIGNATURE <i>DJames</i>	SERIAL NO. DATE 32111 2/7/2021	EMPLOYEE'S SIGNATURE (ADMONISHMENT ONLY)	SERIAL NO. DATE
GROUP/AREA COMMANDING OFFICER'S SIGNATURE <i>MMendoza</i>	SERIAL NO. DATE 45612 2/8/2021	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Military Endorsement (See back page.)	
BUREAU COMMANDING OFFICER'S SIGNATURE <i>JHunt</i>	SERIAL NO. DATE 24680 2/9/2021	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Military Endorsement (See back page.)	

FINAL
DEPARTMENT
ACTION

Internal Affairs Group Use Only

☐ CSC OVERULE☐ BOR - GUILTY (Counts:)☐ BOR - NOT GUILTY (Counts:)

NAMED EMPLOYEE (LAST NAME, FIRST, MI)

Smith, John

☐ UNKNOWN

CF No.

21-XXXXXX

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form. **You have an opportunity to respond orally or in writing by:**

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

- | | |
|--|---|
| <input checked="" type="checkbox"/> I have received a copy of the investigation materials. | <input type="checkbox"/> I intend to submit a response. |
| <input type="checkbox"/> I have waived my right to receive a copy of the investigative material. | <input checked="" type="checkbox"/> I do not intend to submit a response. |
| <input type="checkbox"/> I was informed of my right to representation prior to discussing this matter. | <input type="checkbox"/> I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee). |

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurrence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE SERIAL NO. DATE
DJames 32111 2/7/2021EMPLOYEE'S SIGNATURE SERIAL NO. DATE
John Smith 86753 2/10/2021

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- | | | |
|--|--|--|
| <input type="checkbox"/> No employee response was submitted by the date specified. | <input type="checkbox"/> After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty. | <input type="checkbox"/> A review of the employee's response has caused me to take the following actions: (See below). |
|--|--|--|

SCENARIO B: INCIDENT OCCURED

EXEMPLAR B2 - DF COMPLAINT NOT CLOSED AT INTAKE; DF AT ADJUDICATION

☐ See continuation page

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page