

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: SEE BELOW

DATE: June 10, 2022

APPROVED

Memo# 2022-026

SUBJECT: DUTY MANUAL REVISIONS: CREDIBLE CRIMINAL ALLEGATIONS WITH A POTENTIAL TO IMPACT THE SAFETY OR FINANCIAL HEALTH OF THE COMMUNITY AND/OR OTHER CITY EMPLOYEES

BACKGROUND

On June 1, 2022, Mayor Liccardo submitted a memorandum to the Rules and Open Government Committee regarding [protecting the public from predatory criminal behavior pending investigations of employee misconduct \(link\)](#). This memorandum directed the City Manager to “return to the City Council with what citywide policies have been implemented—or will be implemented—to address the risk of exposing the public to harmful behavior pending investigations of City employees’ criminal conduct, such as by establishing that credible allegations of predatory criminal conduct constitute a clear ‘trigger’ for mandatory leave until an investigation has concluded.”

In response to the direction from the City Council, the City Manager implemented changes to City Policy Manual sections [2.1.4 Investigation Principles \(link\)](#) and [4.2.3 Administrative Leave \(link\)](#). In addition, the Police Department is modifying the following Duty Manual sections to address credible criminal allegations with a potential to impact the safety or financial health of the community and/or other City employees.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

**C 1730 ALLEGATIONS OF FELONY OR MISDEMEANOR OFFENSES INVOLVING
DEPARTMENT MEMBERS - CRIMINAL INVESTIGATION AND IA
RESPONSIBILITY:**

Revised 06-10-22

When a credible or verifiable allegation against a Department member is received that includes elements of a felony or misdemeanor crime, or once such evidence is

uncovered during the investigation of an allegation, the following procedure will be followed:

- The Department member receiving the allegation is responsible for ensuring that IA is notified without delay.

- IA is responsible for reviewing the circumstances and the Assistant Chief of Police will determine whether a criminal investigation should be initiated. In the event the Assistant Chief of Police determines that a criminal investigation will be conducted, the Deputy Chief of the appropriate Bureau is notified.

- At the direction of the Chief of Police, the IA Commander will have responsibility of placing the Department member on administrative leave. Such determination is made in consultation with the Chief of the Bureau of Investigations and the Department member's Bureau Chief or the Division Commander. Such detachment is in accordance with Civil Service rules and Department policy concerning Administrative Leave.

- In the event the criminal allegation is credible and has the potential to impact the safety or financial health of the community and/or other City employees (examples include, but are not limited to, alleged sexual misconduct, assault or battery, and theft or bribery), the Chief of Police or their designee will have the responsibility of immediately notifying the City Manager and the City Manager's Office of Employee Relations.

C 1730.1 ALLEGATIONS OF FELONY OR MISDEMEANOR OFFENSES INVOLVING CITY EMPLOYEES OUTSIDE THE POLICE DEPARTMENT:

Added 06-10-22

In the event a Department member receives a criminal allegation against a City employee outside the Police Department that is credible and has the potential to impact the safety or financial health of the community and/or other City employees (examples include, but are not limited to, alleged sexual misconduct, assault or battery, and theft or bribery), the Department member will immediately notify their chain of command to the Chief of Police. The Chief of Police or their designee will have the responsibility of immediately notifying the City Manager and the City Manager's Office of Employee Relations.

S 2706 ADMINISTRATIVE LEAVE:

Revised 06-10-22

An employee of the Department may be removed from duty and placed on Administrative Leave in conformance with Section 4.2.3 of the City Policy Manual.

Note that in the event that a criminal allegation is made against any Department member, of any rank, that is credible and has the potential to impact the safety or financial health of the community and/or other City employees (examples include, but are not limited to, alleged sexual misconduct, assault or battery, and theft or bribery), the accused Department member will be immediately placed on administrative leave until such time that the Police Department is able to complete a preliminary review of

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the matter and all evidence or other information available to date, unless placing the Department member on administrative leave could compromise an ongoing criminal investigation of which the Department member is not yet aware.

Subsequent to the preliminary review of the allegation, a determination will be made by the Chief of Police to keep the Department member on administrative leave or to reassign them to other non-public facing duties, if applicable, until the criminal and/or administrative investigation is completed. The determination will be reviewed and given final approval by the City Manager. Nothing in this section precludes the City from reevaluating a Department member's leave status or assignment at any time during the investigation as new information becomes available or as other circumstances change.

When a Department employee is placed on Administrative Leave, he/she will inform the Office of the Chief of Police as to the address and telephone number of the residence at which such employee can be contacted during the period of the leave. When the Chief of Police or a designee considers the location to be unreasonably distant from the City or to otherwise interfere with an investigation, the employee must remain at a location determined to be reasonable by the Chief of Police.

While on Administrative Leave, the employee will not act as a police officer in any capacity, including court appearances, off-duty employment or public appearances without first obtaining specific authorization from the Office of the Chief, Internal Affairs Unit.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:SD