

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: BLUETEAM FOR INTERNAL
INVESTIGATIONS**

DATE: March 1, 2024

APPROVED

Memo #2024-004

BACKGROUND

BlueTeam is software which works in conjunction with IAPro to automate frontline documentation, supervisory oversight, and organizational accountability for Internal Affairs investigations. On May 24, 2023, the Department implemented the use of BlueTeam for processing the investigations of vehicle collisions involving Department members. On March 4, 2024, the Department will begin using BlueTeam to complete and track internal investigations.

Additionally, some necessary changes in the new vehicle collision investigation process have been identified.

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 1716 COMMAND OFFICER FINDINGS AND RECOMMENDATIONS: *Revised 03-01-24*

When a Conduct Complaint is completed by Internal Affairs investigators and the IA Commander believes that a finding of Sustained can reasonably be made, a copy of the completed investigation is forwarded *through BlueTeam* to the designated bureau for assignment to a command officer ~~in the Bureau where the involved officer is assigned~~. The command officer will assume responsibility for reviewing the investigation, determining the findings, and making recommendations for the completed investigation; ~~or~~ *The command officer* may conduct additional investigation followed by *before making* a determination of findings and recommendations; ~~or may~~ *The command officer may also* return the complaint *through BlueTeam* to IA for further investigation. *If the investigation remains in the bureau where the involved officer is assigned, the completed investigation, along with the command officer's findings and recommendations, will be routed through the involved officer's chain of command via BlueTeam to the Office of the Chief.* See Duty Manual section C 1723 - AVAILABLE FINDINGS AND OUTCOMES for the available findings.

With respect to allegations against Civilians, the responsible supervisor will have the same responsibility as a command officer with respect to findings and recommendations.

IA investigators may determine any finding as listed in Duty Manual section C 1723 - AVAILABLE FINDINGS AND OUTCOMES except for a finding of Sustained.

C 1717 COMMAND OFFICER'S RESPONSIBILITIES:

Revised 03-01-24

The assigned command officer has the responsibility for determining the findings and making recommendations. The command officer will complete the following steps prior to ~~preparing~~ submitting a memorandum in BlueTeam which recommends action:

- REVIEW OF IA INVESTIGATION: A thorough review of the investigation conducted by IA.
- REVIEW EMPLOYEE'S RECORDS: A review of the member's records including, but not limited to, IA and personnel records.
- EMPLOYEE INTERVIEW: The command officer making a finding may interview the Department member involved. If an interview is conducted, it shall be audio recorded by the command officer. The involved member has the right to decline a voluntary interview, if offered. However, they do not have a right to decline an involuntary interview, if requested by the command officer.
- SUPERVISORY INPUT: The command officer will discuss the investigation with the Department member's immediate supervisor. Information is solicited concerning the member's present job performance and any other pertinent factors that might influence a disciplinary recommendation. The immediate supervisor's input is documented in the command officer's memorandum.

C 1721 CONDUCT COMPLAINTS AND DEPARTMENT INITIATED INVESTIGATIONS RECEIVED AND INVESTIGATED AT THE BUREAU LEVEL:

Revised 03-01-24

When an allegation is initially received at the Bureau level, the allegation is referred to an on-duty command officer in the Division to which the officer complained against is assigned. The command officer will then notify IA of receipt of the allegation and provide a brief synopsis of the event as soon as practical. It is the responsibility of the IA Commander to determine how the allegation will be classified, and with the agreement of Office of the Chief, determines if the investigation will be investigated within IA or the involved Member's Bureau.

If the investigation is assigned at the Bureau level, it will be assigned an IA case number and then assigned in BlueTeam to a command officer in the involved Member's chain of command. ‡The command officer assigned the investigation will ensure that a proper investigation is conducted. The command officer will make a determination of findings and recommendations. Upon completion of the investigation

by a command officer, the written record of the investigation will then be forwarded via BlueTeam through the chain of command to the Office of the Chief of the Police. See Duty Manual section C - 1722 DEPARTMENT INITIATED INVESTIGATIONS for necessary elements. All allegations handled by the Bureau are held to the same time periods referred to in Duty Manual section C 1736 - STATUTE OF LIMITATIONS FOR INVESTIGATING COMPLAINTS, and Duty Manual section C 1737 - 30 DAY PERIOD FOR WRITTEN NOTICE OF DECISION TO IMPOSE.

With respect to allegations against Civilians, the responsible supervisor will have the same responsibility as a command officer with respect to findings and recommendations.

C 1722 DEPARTMENT INITIATED INVESTIGATIONS (DII):

Revised 03-01-24

~~On occasion~~ Department Initiated Investigations ~~are most appropriately~~ can be investigated at the Bureau level- or by Internal Affairs, depending on the nature of the allegations and circumstances. The final authority for deciding at what level a Department Initiated Investigation is investigated shall rest with the Office of the Chief of Police. Once the Office of the Chief of Police has approved the investigation and decided at what level it will be investigated, Internal Affairs will assign it an IA Case number and enter it into BlueTeam. If it is to be assigned at the Bureau level, Internal Affairs will forward the investigation in BlueTeam to the designated Bureau for assignment to a command officer.

Upon completion of the investigation, the assigned command officer shall make a finding of Not Sustained, Exonerated, Unfounded, No Finding or Sustained as defined in by Duty Manual section C 1723 - AVAILABLE FINDINGS AND OUTCOMES.

The assigned command officer will complete the investigation and make a determination of findings and recommendations. If the investigation contains a finding of Sustained, the command officer will forward the investigation through the chain of command with a recommendation for discipline. Command officers in the officer's chain of command are not prohibited from making a recommendation of counseling and/or training when the finding is Exonerated or Not Sustained Duty Manual section C 1814 - EMERGENCY INTERDIVISIONAL NON-DISCIPLINARY ACTION. The written record of the investigation, regardless of the finding, is forwarded via the chain of command to the Office of the Chief of Police.

With respect to allegations against Civilians, the responsible supervisor will have the same responsibility as a command officer with respect to investigations, findings and recommendations.

When a Department Initiated Investigation is investigated at the Bureau level, the command officer responsible for the investigation will ensure that the investigation contains the following elements:

BACKGROUND: A synopsis of the event and the allegation:

- INVESTIGATION: Statements, crime reports, medical reports, physical evidence, photographs and/or other supporting data.
- APPLICABLE AUTHORITIES: Statutes, Duty Manual sections, Administrative Code sections, etc.
- ANALYSIS: The application of the facts and conclusions disclosed in the investigation to the authorities cited.
- FINDING/RECOMMENDATION: As defined in Duty Manual section C 1723
 - AVAILABLE FINDINGS and Duty Manual section C 1804 - DISCIPLINARY ACTIONS AVAILABLE.

C 1724 PROCESSING BUREAU RECOMMENDATIONS:

Revised 03-01-24

After having made a finding, the responsible command officer will prepare a memorandum directed to the Chief of Police, containing the following information:

- Date, location and time of the interview with the member involved, and persons present during such interview.
- A complete copy of the audio recording of the interview with the member involved.
- The finding (to include justification).
- Recommendation for departmental action
- In the event the potential disciplinary action is likely to be greater than a Letter of Reprimand (LOR), referral to the Disciplinary Review Panel (DRP) is made.

~~A~~The memorandum is completed and routed via BlueTeam through the chain of command to the involved member's Bureau Commander for review and comment. The completed investigation is forwarded via BlueTeam to the Office of the Chief of Police. ~~When appropriate~~ If the investigation was assigned to Internal Affairs, the IA Commander will review the investigation and forward it to the Chief of Police for final disposition.

L 7004 RESPONSIBILITY OF SUPERVISOR ASSIGNED:

Revised 03-01-24

Supervisors assigned to a Department-involved vehicle collision are responsible for ensuring that the following tasks are performed:

ASSIGNING INVESTIGATIVE RESPONSIBILITY: Assign a field officer from the district of occurrence to investigate and report the collision.

RESPONSE TO THE SCENE: Respond to the collision scene and ensure that a proper investigation is being conducted pursuant to Department policy and procedures. *In cases involving a driver who is a sworn Department member, ensure the member is informed of their rights in accordance with Duty Manual Section L 7002 -DRIVER'S RESPONSIBILITIES.*

INVESTIGATION: Assist in or direct the actual gathering of facts, statements, and citizen interviews. Examine the damaged vehicles and direct photographs be taken as necessary. If suspicions of City vehicle equipment failure are present, remove the City vehicle to the City Garage and request a special inspection.

ENFORCEMENT OF VEHICLE CODE VIOLATIONS: Make an on-scene determination as to the enforcement of California Vehicle Code infractions or misdemeanors against the civilian driver(s). Law violations such as driving under the influence of alcohol or drugs or hit-and-run should be enforced. When there is evidence of a violation by the civilian driver that can be corroborated by physical evidence and/or impartial witnesses, then a citation is appropriate. Such information should appear on the accident report.

SUPERVISOR'S CONCLUSIONARY REPORT AND RECOMMENDATION: The supervisor *assigned to the investigation* will prepare a memorandum detailing their conclusions as to the cause and preventability of the collision. *In the memorandum, the supervisor will document what form of counsel, if any, the Department member obtained prior to providing a statement. The supervisor will also document in the memorandum whether a sworn member was informed of their rights according to Duty Manual Section L 7002 prior to providing a statement.* The memorandum will be addressed to the Chief of Police. The memorandum will conclude with a recommendation assigning the collision to one of the following categories:

- Preventable: The City employee did not exercise prudent and careful judgment to prevent the collision or operated the vehicle in an unsafe manner or in disregard of the rules of the road or contrary to Department procedures.
- Non-Preventable: The City employee exercised good judgment and used every possible means to avoid the collision.
- Other: The City vehicle is damaged while properly performing a task necessary to protect citizens or their property; or the City vehicle is properly parked and/or unattended; or damage is caused solely by striking birds, rocks or debris thrown up by other vehicles or by road tar or spray.
- Other: Mechanical failure not within the control of the driver.
- Other: Responsibility cannot be determined

Within 30 days of being assigned the investigation, the supervisor will forward the memorandum and relevant files and reports to the first level command officer in the driver's chain of command in BlueTeam. If the supervisor who investigates the collision is not the driver's immediate supervisor, the immediate supervisor may submit a

memorandum to the first level command officer if they have information which would assist the command officer in making a decision as to a finding and discipline.

L 7007

COMMAND OFFICER RESPONSIBILITIES:

Revised 03-01-24

The Area Commander who received notification of the collision will create an entry in BlueTeam assigning the investigation to the investigating supervisor by the end of the Area Commander's shift. The Area Commander will forward a notification in BlueTeam to the driver's immediate supervisor, if different than the investigating supervisor. The Area Commander will also forward a notification in Blue Team to the driver's Captain, and the analyst assigned to process vehicle collisions in the driver's bureau. If the Area Commander creating the entry is not in the driver's chain of command, they will forward a notification of the entry in BlueTeam to the first level command officer in the driver's chain of command.

The first level command officer in the driver's chain of command is responsible for reviewing the collision to ensure proper investigation and documentation, and to determine whether the proper classification is appropriate based upon establishment of cause, ~~and recommendation for disciplinary action where appropriate.~~ The first level command officer may conduct their own interview of the driver if necessary to determine whether or not they agree with the assigned supervisor's conclusionary report and classification. The first level commander may write a memo detailing the findings of the supplemental interview and forward it via BlueTeam through their chain of command. Before obtaining a supplemental statement from a driver who is a sworn Department member, the commander shall inform the driver of their rights in accordance with Duty Manual Section L 7002 – DRIVER'S RESPONSIBILITIES..

If the first level command officer agrees with the classification, they will use the dialogue box in BlueTeam to document that they concur with the classification, that the driver was informed of their rights in accordance with Duty Manual Section L 7002, and whether or not an additional interview was done. If the first level commander does not agree with the classification or believes that the conclusionary report is inadequate, they will return the investigation to the assigned supervisor in BlueTeam.

- ~~NON-PREVENTABLE AND OTHER COLLISIONS: These categories of collisions indicate that no violation of departmental policy and procedure occurred. They require only the concurrence of the command officer and~~ The first level command officer will forward the investigation through the chain of command via Blue Team to the Bureau Chief within 90 days of the Area Commander's initial entry into BlueTeam. The Bureau Chief will forward it then via BlueTeam to the IA Commander.
- ~~PREVENTABLE ACCIDENTS: Once this recommendation is received and concurred with, the~~ The first level Command Officer will obtain a three-year history of the driver's preventable collisions from the IA Commander. The command officer will use that and all other available information to make a recommendation for any action to be taken by the Department. The command officer will document

their disciplinary recommendation in the dialogue box in BlueTeam and forward the investigation through the chain of command via BlueTeam to the Chief of Police within 90 days of the Area Commander's initial entry into BlueTeam. ~~At the same time the Command Officer should determine if photographs and any other special reports are necessary to assist in making a finding.~~

~~The Command Officer will then conduct an interview with the City driver as required by Duty Manual section C 1717 - COMMAND OFFICER'S RESPONSIBILITIES.~~

~~The Command Officer will include the following elements in their report:~~

- ~~• INVESTIGATION AND CONCLUSIONS: This will be a summary of their investigation, interviews and collection of documentary material.~~
- ~~• FINDING: Determine if any sections of the Duty Manual have been violated. Any violation is handled as a case of misconduct and will be Sustained, Not Sustained, or Exonerated.~~
- ~~• DISCIPLINARY RECOMMENDATION: Evaluate all the information available and make a recommendation for any action to be taken by the Department. Support all recommendations by reference to facts obtained from the investigation.~~

~~The investigation, finding and disciplinary recommendation will be forwarded in BlueTeam to the Chief of Police through the chain of command within 90 days of the Area Commander's initial entry into BlueTeam.~~

ORDER

Effective March 4, 2024, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:PH