3-04/020.25 - Administrative Investigation Terminology

- Exonerated – a complaint shall be classified as exonerated when the investigation establishes by clear and convincing evidence either (1) that the employee was not personally involved or in any other way connected with the incident or incidents or allegation in question or (2) that the allegation giving rise to the investigation was demonstrably false and brought in demonstrable bad faith or by virtue of an obvious and demonstrable mental disease or defect or (3) that the allegation in question, broadly construed and even if true, would not, in any circumstance, constitute violation of law or Department policies, rules, or procedures and is not otherwise censurable. Any disposition of exonerated must be fully documented in writing and the complete reasoning and rationale set forth;
- Founded – when the investigation that the allegation is true and when the action on the part of the Department members is prohibited by law or Department policy;
- Unfounded – when the investigation establishes by a preponderance of the evidence that the allegation is not true; and
- Unresolved – when the investigation fails to resolve the conflict between the complainant's allegation and the Department member's version of the incident; when there is no preponderance of the evidence to support either version of the incident.

These terms shall be applied individually to each allegation contained within an incident or complaint.