

UNIT ORDER #7 - TOLLING OF INVESTIGATIONS WITH A CIVIL LAWSUIT PENDING

PURPOSE OF THIS ORDER:

To outline the process and procedure of the tolling of investigations in which a subject in the investigation is named as a defendant in a civil lawsuit.

Procedure

Pursuant to the California Peace Officers Procedural Bill of Rights 3304(d), the Department "shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that one-year, except in any of the following circumstances."

(6) "If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending."

However, each case will be independently evaluated by the Captain of Internal Affairs Bureau and with the concurrence of the Chief of Professional Standards Division. A decision will be made on how to proceed with the investigation.
