

Policy 902 Personnel Complaint Procedures

902.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department. All complaints alleging a violation of law or policy shall be investigated.

902.1.1 ESTABLISHMENT OF INTERNAL AFFAIRS COMPONENT

The Director shall establish a disciplinary system based upon standards of conduct. This system will operate in conjunction with the Internal Affairs component of the Department that is responsible for the Internal Affairs functions.

The Director shall have the overall responsibility for ensuring the:

- a. Recording, registering, and controlling of investigations and complaints;
- b. Supervising and controlling investigations of misconduct within the agency;
- c. Confidentiality of all investigations and records pertaining to investigations;
- d. The investigation of all complaints against the agency or employees;
- e. Maintenance of records of all complaints; and
- f. Maintenance of Internal Affairs records in a secure area.

The Director shall appoint a supervisor over the Section who shall report directly to the Director in matters relating to Internal Affairs investigations. Occasionally, other commissioned personnel may be assigned to this function on a temporary basis as workload necessitates. (CALEA 52.1.3)

The Internal Affairs Supervisor duties and responsibilities are described in the current job assignment. In addition, the IA Supervisor shall:

- a. Supplement the Director's records by registering and controlling investigations into employee misconduct and performance;
- b. Supervise and control the investigation of suspected misconduct within the Agency;
- c. Ensures preparation of annual statistical summaries based on the records of Internal Affairs investigations which may be disseminated to the public and agency employees;
- d. Maintain liaison with the prosecutor's office in investigations involving alleged criminal conduct of employees;
- e. Provide weekly status reports to the Director during investigations;
- f. Complete investigations within 30 days unless extenuating circumstances exist and with the approval of the Director; (CALEA 52.2.3)
- g. Ensure confidentiality of investigations and records;
- h. Provide information to the public on the procedure of filing complaints against the Department or its employees; and

902.2 TYPES OF COMPLAINTS

The Department shall investigate all complaints against the Agency or its employees and maintain confidential records pertaining to same. (CALEA 52.2.1 A)

Complaints shall be received from the following sources:

- a. **Written Complaint** – A complaint received in writing that may be forwarded to the Director for assignment to Internal Affairs;
- b. **Verbal Complaint** – A complaint received verbally from a citizen or employee. Verbal complaints shall be recorded on a citizen complaint/concern form and forwarded to the Director for logging and review. If the verbal complaint is of a more serious nature, the Supervisor should encourage the complainant to file a Written Complaint;
- c. **Telephone Complaint** – A complaint or concern received over the telephone shall be handled as a verbal complaint;
- d. **Anonymous Complaint** – Anonymous complaints of misconduct will be courteously accepted; however, an anonymous complaint will be investigated only at the Director's discretion following an initial careful review of each anonymous complaint for validation before disregarding it for lack of a credible complainant. In such a case, the Director may act as complainant following a preliminary investigation.

All complaints shall be forwarded to the Director for review and assignment.

The Internal Affairs Section shall have the responsibility for investigating the following categories of complaints: (CALEA 52.2.1 B)

- a. Corruption;
- b. Excessive force or any use of force submitted by the Director;
- c. Criminal activity;
- d. Intoxication on duty or Drug abuse;
- e. Serious misconduct;
- f. Harassment, to include sexual harassment;
- g. Abuse of authority;
- h. Death or injury of any person in police custody;
- i. Civil Rights Violations; and
- j. Any investigation assigned by the Director.

A Lieutenant or higher-ranking supervisor may be assigned to have the responsibility for investigating the following categories of complaints: (CALEA 52.2.1 A)

- a. Insubordination;
- b. Neglect of duty;
- c. Absence without official leave;
- d. Disrespect toward a citizen; and
- e. Fleet accidents.

A Sergeant or higher-ranking supervisor may be assigned to investigate minor violations, such as: (CALEA 52.2.1 A)

- a. Discourtesy;
- b. Minor misconduct;
- c. Appearance standards violations;
- d. Improper procedures or performance deficiencies;
- e. Disrespect towards a citizen;
- f. Failure to take prompt and appropriate action; and
- g. Fleet accidents. (CALEA 52.1.1)

The Director shall be notified immediately in the event a Department employee is:

- a. Arrested;
- b. Charged with a criminal offense; or
- c. Found to have detectable levels of alcohol or unauthorized intoxicants while on duty; or
- d. Any misconduct deemed by the Officer-In-Charge to be serious in nature.

Any disciplinary concern may be upgraded after the second occurrence of the same type of infraction, or at the Director's discretion due to the seriousness of the incident or potential affect on the Department or the Town.

902.3 FILING OF COMPLAINTS

External Complaints

Any Department employee may receive a citizen complaint. Information will be documented on the Department Citizen Complaint/Concern Form and forwarded to the Director.

The Director will review and log the complaint, and may assign a supervisor to make contact with the complainant to attempt resolution.

Any unresolved complaints will be referred to the Director who will either resolve the situation or refer it to Internal Affairs for investigation.

Citizen complaints involving employee performance and/or misconduct will NOT be accepted by any Department employee more than thirty (30) days after the discovery of an alleged incident with the following exceptions:

- a. Alleged criminal violation;
- b. Complainant can show good cause for not making the complaint earlier; or
- c. Nature of complaint is extreme.

No complaint shall be accepted or investigated involving differences of opinion between an employee and a citizen over the issuance of a traffic citation, or the guilt or innocence of a

person arrested, unless there is a specific allegation of misconduct or other violation of a Departmental rule.

The agency will provide verification to the complainants that the incident is being investigated, updates as to changes in the status of the investigation and notification of the results.