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## G.O. 140. 10 Internal Affairs and Citizen Complaints

### I. Scope

The scope of this policy is to ensure that University Police personnel understand the procedures associated with accepting and processing citizen complaints concerning allegations of employee misconduct.

### II. Purpose

The purpose of this policy is to inform all uniformed personnel and the public of procedures for accepting, processing, and investigating complaints concerning allegations of employee misconduct. This policy defines provisions applicable only to investigation and disposition of allegations of misconduct. As outlined in this policy, “employee” refers to uniformed University Police personnel.

### III. Policy

Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect the agency’s integrity. This agency shall accept and investigate fairly and impartially all complaints of employee conduct to determine the validity of allegations and to seek any disciplinary actions that may be justified in a timely and consistent manner.

### IV. Procedures

The Chief of Police shall serve as the internal investigations authority for the department and has primary oversight responsibility for the review and investigation of all complaints against officers whether initiated by a citizen or from within the department. The Chief will administer, direct and is responsible for the internal affairs components of the department. Preliminary investigations into complaints may be assigned to a shift Lieutenant. In performing this function the Lieutenant will report directly to the Chief of Police.

In fulfilling this function, the duties and responsibilities of the designated Lieutenant include, but are not limited to, the following:

1. Conducting a preliminary review of all complaints of misconduct by officers;
2. Making an initial determination whether to personally assume primary investigative responsibility for the case or transfer the case to the Chief following consultation;
3. Making entries into and maintain a complaint log for his/her shift. (See Appendix A)

The Chief shall be responsible for:

1. Conducting a status report of all open complaints and investigations on a monthly basis.
2. Keeping a department log of all complaints to include recording and registering by assigned control number.
3. Conducting a regular audit of complaints to ascertain the need for changes in policies, procedures, and training.
4. Preparing an annual summary for the Chief's Annual Report, of the complaints received and investigated by the department, and their final disposition.

All department patrol officers and supervisors will assist in the internal investigations process as directed by competent authority.

Generally, department personnel will conduct internal investigations. In the event the Chief of Police determines that it is not feasible or appropriate for an investigation to be conducted by Department members, the Chief may request the assistance of an appropriate outside agency. The Chief of Police will be the liaison with the District Attorney's Office if criminal conduct is involved. The Chief will be the liaison with the College's Human Resources Office.

Should an internal investigation or personnel complaint be lodged against a Lieutenant, the Chief of Police will assume primary responsibility for such an investigation. Under no circumstances shall the Chief of Police assign an internal investigation to a Lieutenant if the focus of that investigation is another Lieutenant.

## **V. Types of Internal Investigations**

- ❖ Nothing in this Section will contradict the State-wide Administrative Guidelines for Dealing with Officers Involved in Critical or Deadly Force Incidents.

Internal investigations will generally fall into one of the following categories:

- A. External Complaint: An investigation into a complaint initiated by any person outside the department;
- B. Internal Complaint: An investigation into a complaint initiated by a member of the department against another member of the department;
- C. Precautionary Investigations: An investigation into a matter that is not the subject of an actual complaint against an officer.
  1. Under certain circumstances, a precautionary investigation will be conducted even though no formal complaint has been received.

2. The following incidents must be investigated regardless of whether a formal complaint has been filed:
  - a. Police-involved death or serious physical injury, including cases in which a suspect is killed or seriously injured by the police, dies or sustains serious physical injury in police custody, dies or receives serious physical injury fleeing from the police;
  - b. On-duty death or serious physical injury of police officer;
  - c. Police-vehicle accidents;
  - d. Any matter as directed by the Chief of Police.

At the request of the Office of the Vice President for Administration, or upon direction of the Chief of Police, a precautionary investigation may be conducted in cases in which civil litigation is anticipated or has been commenced.

- D. Administrative Reviews: At the direction of the Chief of Police, an administrative review may be conducted. An administrative review may be utilized in cases in which there is reason to review an event, or a Departmental Policy or Procedure, but there is no reason to suspect wrongdoing or misconduct on the part of any police officer.

## VI. Classification of Internal Investigation

Internal investigations will be classified as follows:

- A. Deadly Physical Force: An investigation into a use of deadly physical force;
- B. Physical Force: An investigation into an allegation of excessive physical force;
- C. Motor Vehicle Accident (MVA): An investigation into a police vehicle MVA;
- D. Discourtesy/Verbal Abuse: An investigation into an allegation of discourtesy, verbal abuse, or unprofessional language;
- E. Policy/Procedural: An investigation into an allegation of a violation of Departmental policies or procedures;
- F. Improper Enforcement/Investigative Action: An investigation into an allegation of improper or unjustified police action, i.e., arrest, investigative detention, search and seizure, towing of vehicle, etc.;
- G. Failure To Take Appropriate Action: An investigation into an allegation of a failure to take appropriate action;
- H. Sexual Harassment: An investigation into an allegation of sexual harassment in the workplace; (Affirmative Action).
- I. Bias-Related: An investigation into an allegation of misconduct related to a person's race, color, religion, national origin, or sexual orientation; (Affirmative Action).
- J. Criminal Investigation: An investigation into an allegation of a criminal violation;
- K. Civil Claim: An investigation of events relating to a pending or anticipated civil claim;
- L. Off-Duty Incident: An investigation into an allegation of improper conduct or activity while off duty;
- M. Other: An investigation not falling into one or more of the above categories.

## VII. Initiating A Citizen Complaint

### A. Initial Complaint or Request for Information

The following procedure should be followed regarding initial complaints or requests for information:

1. A person desiring to file a complaint against a police officer, or requesting information on how to file a complaint, will be referred to an on-duty supervisor. The supervisor will conduct a preliminary interview of the complainant to determine the nature of the complaint and the identity of the officer/s involved.
2. If an individual wishing to file a complaint declines or is reluctant to provide the necessary information to the on-duty supervisor, the individual will be referred to the Chief of Police.
3. In response to requests for information, the on-duty supervisor will fully and courteously explain the department's complaint and internal investigations procedures to the individual.
4. Mediation
  - a. In many cases, citizen complaints can be successfully resolved by mediation or explanation. If the complaint is of a minor nature or could be resolved by an explanation of applicable legal standards, or department policies and procedures, the supervisor receiving the complaint will attempt to mediate the complaint or explain the officer's actions. Supervisors should make a good-faith effort to mediate complaints in appropriate situations.
  - b. If the officer about whom the citizen is complaining is assigned to a different shift, the on-duty supervisor receiving the complaint may refer the complaint to the appropriate supervisor to attempt mediation. In such cases the supervisor to whom the complaint is referred will contact the complainant as soon as practicable and attempt to resolve the matter.
  - c. The supervisor attempting to mediate the complaint may make subsequent appointments to meet with the complainant and other involved or interested parties as part of the mediation process. Overtime for the purpose of mediating citizen complaints must be approved in advance by the Chief of Police or Deputy Chief of Police.
  - d. If, after such process, the complainant is satisfied and the matter is resolved, no further action is required.
  - e. If, in the supervisor's judgment, the mediation should be documented, the supervisor will complete a memorandum synthesizing the circumstances of the mediation. The memorandum will be forwarded through the chain-of-command to the Chief of Police.
  - f. If the complaint does not qualify for mediation as set forth below, or cannot otherwise be resolved through mediation, the supervisor will initiate a personnel complaint as set forth in section VII of this order. The supervisor will thoroughly document the failed mediation attempt in his or her report.

B. Complaints That May Not Be Mediated by Line Supervisors

The following types of complaints or allegations may not be mediated by line supervisors:

1. Excessive force;
2. Criminal conduct;
3. Integrity-related (i.e., false report or statement, perjury; theft, etc.);
4. Any allegation, regardless of its seriousness or nature, in which the complainant desires to pursue a complaint after attempts to mediate have failed.

C. Initiation of an External (Citizen) Complaint

When an external (citizen) complaint is received, the following procedure should be followed:

1. If the matter is not resolved through mediation or is an allegation that must be referred for further investigation, the supervisor will complete a Personnel Complaint Form (See Appendix B). In doing so the supervisor will obtain and document as many details as possible on the form.
2. If the complaint is taken in person, the complainant will be requested to sign the Personnel Complaint Form in the appropriate block. If the complainant refuses to sign the form the supervisor will write "refused" in the signature block and document the circumstances of the refusal in his or her report.
3. The supervisor will document the complaint as appropriate. Critical evidence or information may be lost if not collected or documented quickly. Depending upon the nature of the allegation this may include:
  - a. Photographing the complainant to document injuries or the absence of injuries;
  - b. Photographing alleged property damage;
  - c. Securing any physical evidence;
  - d. Locating and identifying potential witnesses.
4. The supervisor will obtain copies of any pertinent police reports relating to the incident in question and attach them to the Personnel Complaint Form.
5. The supervisor will document all action taken relative to the complaint in a Supplemental Report and attach it to the Personnel Complaint Form.
6. Reports and statements relating to an internal investigation or personnel complaint will not be done in the Spectrum Justice System (SJS) system. All such reports will be done by computer word processing or typewritten.
7. If appropriate, an approved handwritten deposition form may be used in accordance with departmental procedures.
8. The supervisor receiving and documenting a personnel complaint will take a formal statement from the complainant or witnesses, unless otherwise directed by the Chief of Police.
  - a. Pursuant to the Current Collective Bargaining Agreement, "the member being investigated shall be informed, at the commencement of any investigation, of the nature of the investigation."
9. Normally, the subject officer(s) will be notified before formal interviews are done and statements are actually taken from the complainant or witnesses. Thus, in most cases, the Chief will review the Personnel Complaint Form and determine if an investigation is necessary. If the decision is made to commence an

investigation, the Chief will prepare a Notice of Internal Investigation Form and arrange for it to be served on the subject officer(s) (See Appendix C). However, there may be rare extenuating circumstances dictating that a statement or interview be conducted prior to the subject officer(s) being notified. For example, if the complainant or witness is not from the Canton area and will be leaving the area, a full statement should be taken at the time of the complaint.

10. If the supervisor taking a complaint believes it is necessary to take a formal statement prior to the service of notice, the reasons for this will be fully documented in the supervisor's report.
11. If the supervisor taking a complaint believes it is necessary to take a formal statement prior to the service of notice, and the subject officer is on-duty, the supervisor will prepare a Notice of Internal Investigation Form and serve it on the officer prior to the interview and statement.
12. In the event the identity of the subject officer(s) is not known at the time the complaint is filed, the complaint will be processed in accordance with these procedures and the investigation will proceed. As soon as the subject officer(s) is identified, he or she will be given notice of the investigation as soon as practicable.
13. The supervisor will forward the Personnel Complaint Form and attachments used directly to the Chief by the end of his/her tour of duty. These materials should be secured in a sealed envelope.
14. Anonymous complaints of police misconduct will be referred to the Chief of Police for review.

D. Allegations of Criminal Conduct

If the complaint involves allegations of criminal conduct by a police officer, the on-duty supervisor will notify the Chief of Police as soon as possible. The Chief of Police will consult with the District Attorney's Office in all cases of criminal conduct.

E. Location Where Citizen Complaints Are Taken

Generally, a person wishing to file a complaint against an officer should be asked to come to the University Police Department to file the complaint and make any necessary statements.

If the complainant expresses an unwillingness or reluctance to come to University Police, arrangements should be made to use another suitable location to meet the complainant.

In the event a person wishing to file a complaint is unable to come to the University Police Department, e.g., due to illness or injury, the supervisor will respond to the complainant's home or other place of confinement to take the complaint.

F. Internal (Departmental) Complaints

If the complaint is internal, i.e., the complainant is a member of the department initiating a complaint against another member of the department; the same basic process will be followed as outlined below:

1. The department member wishing to file a complaint will notify his or her Supervisor. The Supervisor will interview the member and complete the

Personnel Complaint Form. The member filing the complaint will sign the form. The form will then be forwarded to the Chief of Police.

2. The Chief of Police may attempt to mediate the complaint in appropriate cases. If mediation fails, or the matter is not suitable for mediation, the Chief of Police will commence the internal investigation process.
3. In the event the member wishing to file the complaint believes it is inappropriate to approach his or her Supervising Officer, the member may contact the Chief of Police directly to file the complaint.

**G. Relief from Duty**

In the event the on-duty Lieutenant has reason to believe that an officer or other employee may not be medically, physically, or mentally fit for duty, he or she will immediately relieve the officer or employee from duty. In such case, the Lieutenant will take possession of and secure the officer's department-issued firearm(s), notify the Chief of Police and Human Resources immediately.

In the event that the relief from duty involves possible mental unfitness, the Lieutenant will:

1. Take possession of the employee's issued firearm(s) and any other department-issued weapons; and
2. Arrange for transportation for the officer, if appropriate; and
3. Immediately notify the Chief and Human Resources.

**VIII. Investigation of Complaint**

When a Personnel Complaint Form is received, the following procedure should be followed:

1. Upon receipt of the Personnel Complaint Form, the Lieutenant or Chief of Police will log the complaint.
2. The Lieutenant will inform the Chief of Police of the receipt of the complaint. (Appendix A)
3. The Lieutenant will review the complaint and associated materials and consult with the Chief of Police as appropriate.
4. Upon receipt of the complaint, the Lieutenant will also contact the complainant to:
  - a. Verify receipt of the complaint;
  - b. Gather further preliminary information if necessary;
  - c. If appropriate, discuss the possible resolution of the case through mediation or explanation;
  - d. Explain the process to the complainant and answer any questions.
5. In appropriate cases, the Lieutenant or Chief of Police may attempt to resolve the complaint through mediation or explanation.
6. If the complaint appears frivolous or lacking in merit, and further investigation is not necessary, the Lieutenant, in consultation with the Chief of Police, may close the case without further investigation.
7. If the decision is made to proceed with an internal investigation, the Chief of Police will either assign the case to a supervisor for investigation or assume

investigative responsibility for the case himself. Other department personnel may be directed to assist in the investigation as assigned by the Chief of Police.

8. The following types of complaints must be supervised or directly investigated by the Chief of Police;
  - a. Excessive force;
  - b. Criminal conduct;
  - c. Integrity-related (i.e., false report or statement, perjury; theft, etc.);
  - d. Any complaint involving serious physical injury or death and/or the use of deadly physical force;
  - e. Any matter which may involve a conflict of interest or the appearance of a conflict of interest of a line supervisor.
  - f. Complaints not meeting any of the above criteria may be assigned to a line supervisor of the subject employee(s) at the discretion of the Chief. Overtime for the purpose of investigating a complaint must be approved in advance by the Chief.
  - g. If the decision is made to proceed with an investigation, the Lieutenant or assigned investigator will forward a letter or otherwise notify the complainant that the case will be investigated, and provide the name and telephone number of the assigned investigator.
  - h. If the decision is made not to proceed with an internal investigation, the Chief of Police will forward a letter to the complainant advising of this and stating the basis for the decision.

#### **IX. Review by Chief or Deputy Chief of Police**

Upon receipt of the completed case file, the following procedure will be followed:

1. The Chief of Police will review it and issue a finding. In doing so, the Chief of Police may consult with other appropriate person(s). The Chief of Police will write a final Supplemental Report stating his/her findings.
2. The Chief of Police will make a separate finding for each allegation involved in the case. The finding will be one of the following:
  - a. EXONERATED-The act complained of occurred but was lawful, proper, and justified.
  - b. UNFOUNDED-The act complained of did not occur.
  - c. NOT SUSTAINED-There is insufficient evidence to prove or disprove the allegation.
  - d. SUSTAINED-The act complained of did occur and constituted a violation of policy, procedure, rules, regulations, or statute.
  - e. WITHDRAWN BY COMPLAINANT-The complainant expresses a desire to terminate the investigation and no longer pursue the complaint.
  - f. CLOSED WITHOUT INVESTIGATION OR FINDING-The investigation cannot be completed or a finding cannot be reached.
    1. This classification will be used in cases where the complainant refuses to cooperate with the investigation or other circumstances in which the investigation cannot be properly completed.





**UNIVERSITY POLICE DEPARTMENT**

**COMPLIMENT/SUGGESTION/COMPLAINT REPORT FORM**

**(1) Identify the type of report being made by checking one of the appropriate boxes below:**

**Compliment**

If you wish to compliment a specific officer/member of the University Police Department, please identify in (2) below the officer's name and/or badge number if you can. Include the date, time and location if applicable.

**Suggestion**

The University Police Department welcomes suggestions made by the community. Many of these will be used in helping formulate the activity of the University Police Department. Please complete (2) below.

**Complaint**

If you wish to report alleged misconduct by an officer/member of the University Police Department, please complete (2) below. Be specific and detailed as possible. Please include time, date and location of the incident as well as the name/s and local telephone number(s) of any witness(s). Please identify the officer's name and/or badge number if you can. If you cannot, a description of the officer may suffice.

**(2) Please be as specific as possible (PLEASE print, write legibly or attach a separate typed/work processed sheet instead):**

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(You may write on the back of this form if necessary).

**(3) Your name - please print:** \_\_\_\_\_

**Local telephone number:** \_\_\_\_\_

**Your signature:** \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_ month \_\_\_\_\_ year

Turned into the University Police Department: \_\_\_\_/\_\_\_\_/\_\_\_\_ (month/date/year)



UNIVERSITY POLICE DEPARTMENT  
NOTICE OF INTERNAL INVESTIGATION

**DATE:** \_\_\_\_\_  
**TO:** \_\_\_\_\_  
**FROM:** \_\_\_\_\_  
**SUBJECT:** \_\_\_\_\_

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**NATURE OF THE INVESTIGATION:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EVENT/CASE NUMBER (IF KNOWN):** \_\_\_\_\_

**RECEIVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_.

**NOTIFIED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_.