

NORMANDY POLICE DEPARTMENT GENERAL ORDERS MANUAL

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3-4. Complaint Policy. It is the policy of this department to investigate all complaints of alleged employee misconduct, and to equitably determine whether the allegations are valid or invalid and to take appropriate action.

A. **Procedures for Accepting Complaints.** Any citizen or member of this department may file a complaint alleging that a member of the department has violated a Federal or State statute, a city ordinance, department policy, or has committed an act of misconduct.

1. All complaints of employee misconduct will be documented on an Allegation of Misconduct form and will be investigated by the department.
2. Referred to Supervisor. Any complaint received by a non-supervisory employee will promptly be referred to a supervisor, and if available, the supervisor of the employee(s) in question.
3. Form of Complaints.
 - a. All complaints received, including those received by telephone and mail, will be accepted, including anonymous, unsigned, and from sources that request that their name remain confidential.
 - b. An ALLEGATION OF MISCONDUCT REPORT will be completed on all complaints, by the person accepting the complaint.
 - c. A citizen complainant should be encouraged to complete the CITIZEN'S COMPLAINT form. If the complainant refuses to fill out or sign the form, the supervisor will document the complaint and all pertinent information provided by the complainant.
 - d. If a complainant is reluctant to file the complaint at the police department, the supervisor will arrange to have the complaint accepted at a mutually agreeable location.

B. **Investigations.**

1. All investigative steps will be documented in detail. The complainant and all witnesses will be interviewed, and where appropriate, physical evidence will be

gathered and preserved.

2. Minor violations of rules and regulations will be investigated by the shift commander or supervisor. The completed investigation and the shift commander's recommendation will then be forwarded through the chain of command to the Chief of Police for final disposition.
3. Serious allegations of misconduct that could result in discharge, suspension, demotion, or criminal charges being sought will be initially investigated by the shift commander. The Chief of Police will immediately be notified of these types of complaints. The Chief of Police will determine whether a complaint will be investigated as an administrative violation, or as a criminal matter.
4. For allegations of corruption, brutality, misuse of force, civil rights violations or criminal misconduct, the Chief of Police may refer the investigation to the Inspector of Police who has the authority to report his findings directly to the Chief of Police.
5. The supervisor/commander investigating the complaint will contact the complainant and advise him/her that the complaint is being investigated, and provide an explanation of the investigative process
6. At the conclusion on the investigation, the complainant will be advised in writing of the disposition.

C. **Allegations of Criminal Misconduct.** Will take precedence over an administrative investigation.

1. Will be treated as confidential and handled the same as any other criminal investigation.
2. Will be investigated by the Inspector of Police, who may request the assistance of a Bureau of Criminal Investigation Supervisor. The Chief of Police may request an outside agency conduct an investigation if warranted. Investigations will be completed within thirty (30) days. In extraordinary circumstances, extensions may be granted upon approval of the Chief of Police.
3. The employee may or may not be notified of the investigation until it is concluded.
4. An employee formally charged with a felony or misdemeanor involving moral turpitude may, at the discretion of the Chief of Police, be administratively suspended or assigned to non-enforcement duties.
5. An employee convicted of a felony, or misdemeanor involving moral turpitude will be dismissed from the department.

D. **Inspector of Police.** This is a provisional unit and will be activated as needed by the Chief of Police and reports directly to the Chief of Police. The Chief of Police will refer investigations to the Inspector as determined above.

E. **Employee's Duties and Rights**

1. An employee under investigation for an administrative complaint will receive written notification of the complaint. This notification will include a copy of the original complaint or a summary adequately listing the relevant facts, and the employees' rights and responsibilities relative to the Investigation.
2. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.

3. Scope of Questioning During Interview.
 - a. An employee is required to answer all questions related to the performance of his official duties.
 - b. Refusal to comply with an order to answer such questions is a violation of departmental rules which may subject the employee to further discipline, up to and including dismissal.
 - c. Any required self-incriminatory admission made during the interview may only be used in subsequent administrative proceedings, and shall not be used against the employee in subsequent criminal proceedings.
4. Counsel is not permitted at the interview.
5. Special Examinations
 - a. An employee under investigation may request blood, urine, Voice Stress Analyzer, polygraph, or medical examination if it is believed that such an examination would be beneficial to his or her defense. The department may require such examinations upon the direction of the Chief of Police.
 - b. The shift commander may direct an employee to submit to a breath, blood or urine test when a level of intoxication or drug usage is suspected.
 - c. Photographs of employees under investigation may be taken if deemed necessary upon direction of the Chief of Police.
 - d. If an identification line-up is solely for administrative purposes, and criminal prosecution is not anticipated, an employee can be required to participate in a line-up.
 - e. Property belonging to the department is subject to inspection where there is a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files and storage lockers.
 - f. The polygraph examinations may be done by an outside agency.
 - g. An employee may be required to submit financial disclosure statements.

F. Suspensions/Relief from Duty.

1. A shift commander may order an employee relieved from duty if an employee is unfit for duty. The Major and Chief of Police will be notified as soon as practical.
2. When there is evidence of serious misconduct reflecting upon the integrity of the accused or the Department, the Chief of Police may order an administrative suspension.
3. An employee on an administrative or disciplinary suspension shall not wear the uniform or insignia, and may not be armed. The employee shall return all department owned property, if required.
4. An employee on administrative suspension shall obey all reasonable rules, regulations, and orders that do not conflict with his rights as an accused.

G. Dispositions of Complaints. The investigator shall consider all relevant documents, testimony and evidence in order to determine what actually happened. He or she shall

prepare a summary report that provides a complete account of the situation. At the end of the report, the investigator shall state a CONCLUSION OF FACT for each allegation of misconduct. Upon receipt of a shift commander's investigation and recommendation, or upon completion of an internal investigation, the Chief of Police will determine the complaint disposition from among the following dispositions:

1. Unfounded - allegation is false and not factual.
2. Exonerated - the action complained of did occur, but the investigation disclosed that the actions were reasonable, lawful, and proper.
3. Not sustained - insufficient evidence available to either prove or disprove the allegation.
4. Complaint withdrawn - complainant withdrew the complaint.
5. Sustained - investigation disclosed sufficient evidence to support the allegation in the complaint.

H. **Reports and Records.**

1. **"Pursuant to Section 610.021 (3) and (13), RSMo, all personnel records are closed to the extent permitted by Missouri law."**
2. All records of complaint allegations and investigations are confidential, and are a part of the department's personnel files. Inquiries concerning internal or personnel investigations will be referred to the Chief of Police.
4. A written record will be required on all disciplinary action. All disciplinary records involving loss of time or pay will be maintained in the Finance Office, in accordance with the Missouri Municipal Records Manual. Department disciplinary records will be maintained in the Office of the Chief of Police for a period of five (5) years following the termination or retirement of the employee.
5. The Operations Commander will:
 - a. Maintain a numerical log of all complaint investigations.
 - b. Maintain in his/her office, a secure and confidential record of all allegations of misconduct.
 - c. Review all completed investigations and periodically analyze complaints to identify trends or patterns developing within the department or with individual officers that may require additional training or corrective action.

Adopted by Command Staff

By Order of:

(Signature on File)

Colonel Frank A. Mininni
Chief of Police

04/01/2014
Date