



# ADMINISTRATIVE GUIDE

## Procedure No. 2.061-2

<b>CIVILIAN COMPLAINTS</b>			Page 1 of 3
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### **I. POLICY**

This policy shall explain the steps taken to receive and investigate Civilian Complaints

### **II. DEFINITIONS**

**Civilian complaint** - an allegation of an improper or unlawful act, or omission, which relates to the business of the Department or to any Member of it.

**Civilian Complaint Categories** – Civilian Complaints are divided into the following categories:

- A. Unnecessary or excessive use of force
- B. Abuse of authority
- C. Discourteous or abusive behavior
- D. Corruption
- E. Gratuities
- F. Misconduct

### **III. PROCEDURE**

1. If a complaint has no bearing on this Department, refer complainant to the correct agency. Desk Officer shall make an entry in Day Book.
2. **Proper method of making a complaint:**
  - A. Persons will be advised that the proper procedure is to make a written statement in his or her own handwriting, on approved form as to the nature of the complaint.
  - B. The completed form will be returned to the Office of the Chief of Police for processing.
  - C. The Chief of Police or his designee will prepare copies of said complaint and forward one (1) copy to the Commissioner.
3. **Complaints received by Members of the Patrol Force and other Units on Patrol:**
  - A. Advise complainant to go to Police Headquarters or contact same by telephone to formalize the complaint.
  - B. Request name and address and nature of complaint.
  - C. Make entry in memo book.

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- D. Immediately notify Desk Officer and at the end of tour submit an MV-5.
4. **Complaints received by Desk Officer:**
- A. Civilians lodging complaints of past misconduct by officers of this Department will be supplied with a Civilian Complaint Report (MV 97) by the Desk Officer with instructions to complete the form. The Desk Officer shall offer to assist the complainant with completing the MV-97 while at Headquarters. He will also advise the completed form may be returned by mail to the Chief of Police or in person to the Desk Officer. The Desk Officer must issue this complaint form and *should* attempt to obtain the name, address and telephone number of the complainant. If the Complainant does not supply their pedigree information, the complaint form must still be issued. The Desk Officer shall make an entry in the Day Book indicating the above information and specify that an MV-97 was issued. The Desk Officer accepting the complaint will make observations of the complainant regarding his general physical appearance and general behavior and record such observations in the Day Book. Observations may include whether complainant was apparently intoxicated, drugged, disturbed, physical condition and appearance, etc.
1. Upon receipt of a completed MV-97 the Desk Officer must complete the last line of the Civilian Complaint Report, which includes RECEIVED BY, TIME, DATE, LOCATION, RELATED INCIDENT NUMBER.
  2. Any complaint received by the Desk Officer will be treated as confidential and be forwarded to the Chief's office in a sealed envelope.
5. **The office of the Chief of Police shall:**
- A. Keep proper records.
- B. Upon receipt of written complaints, the Chief of Police will assign said complaint to the subject officer's Commanding Officer or to the Internal Affairs Officer for immediate investigation and report.
- C. Upon completion of the investigation the Chief of Police will review all reports and endorse with recommendations to the Commissioner of Public Safety.
- D. The Chief of Police shall be responsible for the proper processing of complaints and assignment of serial numbers.
- E. Decision and Notifications – In all complaints, the complainant shall be notified of the results of the investigation either in person, by telephone or in writing. The notification shall be made by the Chief or his designated representative. If the investigation resulted in disciplinary action against the Department Member, the complainant shall be advised only that "Appropriate" disciplinary action has been taken; the specific action shall not be released.
1. In cases where the complaint concerns an act of misconduct in progress, the Chief of Police will be immediately notified by the Desk Officer, if such complaint is made at times other than when the Chief of Police is on duty, the senior patrol superior officer will immediately commence an investigation.

**6. Internal Affairs:**

- A. By direction of the Commissioner, Deputy Commissioner or Chief of Police, the Internal Affairs Unit may be utilized for the investigation of civilian complaints against officers.

**7. Off duty members complained of:**

- A. If member complained of was off duty or on sick report at the time of alleged misconduct and the incident happened in Mount Vernon, the foregoing legal procedures will be followed.
- B. If the incident occurred outside Mount Vernon, the Internal Affairs Unit, if available, shall conduct the investigation; if not available, a supervisor will be designated.

**8. Report at completion of investigation shall contain:**

- A. Complaint originally received.
- B. When received, by whom.
- C. Summary of complaint, identity and statement of witnesses and others interviewed.
- D. Steps taken during investigation, nature and results of inspections, examinations and surveys.
- E. Findings.
- F. Recommendations for further action.
- G. Report shall be submitted within fifteen (15) days.

**9. Statements taken from any witness or the complainant shall be done without unnecessary delay.**

- A. Written, typed or oral (tape recorded) statements taken from witnesses or complainants shall be conducted only by a Member of the Department.
- B. Transcripts of tape-recorded statements may then be transcribed by civilian employees.