



Internal Affairs/Citizen Complaints	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Arkansas Statutes: A.C.A. § 14-52-301-307 (2011); § 12-9-601-603	
CALEA Standard: 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.2.1; 52.2.2; 52.2.4; 52.2.5; 52.2.8	
Best Practice: U.S. D.O.J. agreements with various law enforcement agencies; "Internal Affairs: Proceedings From a Community Practice," U.S.D.O.J. Office of Community Oriented Policing Services, March 2008; and "Police Accountability and Citizen Review," I.A.C.P., October 2000	
Date Implemented:	Review Date:

- I. **Purpose:** It is imperative that the Police Department operates in a degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the department. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by department employees or the conduct of the Police Department. This policy provides members of the department with the procedures for the acceptance of complaints; the initiation of the administrative investigative process; the process for conducting a fair and reasonable investigation; the proper methods for adjudication of these administrative investigations; and the methods for the administration of fair, reasonable, and defensible discipline. It is not required that every department have a designated person or unit expressly for Internal Affairs/Office of Professional Standards, but every department must have someone who becomes the most knowledgeable person regarding these practices.
- II. **Policy:** It is the policy of this department to **accept and document all complaints alleging employee or department misconduct for the following principle reasons:**
 - A. To ensure that complaints alleging employee or department misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations;
 - B. To identify areas of misunderstanding by the complaining citizen;
 - C. To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention;
 - D. To protect department employees and the Department from erroneous complaints; and

- E. To identify Department policies, training and/or practices in need of reevaluation, clarification and/or correction.

III. Definitions

- A. Complaint of employee misconduct: A complaint is an allegation from any source of an act or omission by a department employee, which if proven true, would be considered misconduct or a violation of department policies, rules, or regulations.
- B. Note: Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the party should be referred to the proper court for resolution.
- C. Complaint of department dissatisfaction: A complaint from an external source of dissatisfaction with a department policy or practice.
- D. Public concerns regarding law enforcement operations not amounting to a complaint: A concern expressed by a member of the public that does not meet the department's definition of a complaint, but must be documented by the department employee receiving the information from the member of the public.
- E. Public Service Report: A form made available to the public that informs them of the compliment/complaint process.

IV. Procedure

- A. Sources for complaints: A complaint can originate from any of the following sources:
 - i. Individual aggrieved person
 - ii. Third party
 - iii. Anonymous
 - iv. Department employee
 - v. News media
 - vi. Governmental department
 - vii. Notice of civil claim
- B. Complaints can be made by members of the public:
 - i. In person
 - ii. By telephone
 - iii. By letter
 - iv. Email/Other electronic media
- C. Employee responsibilities: Whenever an employee becomes aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another department employee, he or she shall:
 - i. Immediately notify an on-duty supervisor and ensure that follow-up to the complaining person will not be delayed.

- ii. If a supervisor cannot be made available or the party making the complaint refuses to wait for the supervisor, the employee will gather all available information regarding the complaint and contact information for the complainant.
 - iii. The employee shall ensure that this information is given to a supervisor as soon as practicable.
 - iv. Failure to follow these provisions may result in disciplinary action against the involved employee.
- D. Supervisor's responsibilities: Whenever a supervisor (this employee may be the senior person on-duty) becomes aware of a person requesting to make a complaint or an incident which will likely result in a complaint or administrative investigation, the supervisor will conduct an immediate preliminary investigation including:
 - i. Meet with the complaining party to ascertain the nature of the complaint;
 - ii. Attempt to resolve the issue with the complaining party;
 - iii. If the issue cannot be resolved with the complaining party, a supervisor will provide the complainant with a Public Service Report and explain the complaint process; and
 - iv. Upon completion of the Public Service Report, the form will be forwarded to the Chief of Police or their designee for review and disposition.
- E. The complaint initiation process is not incumbent on cooperation of the complaining person. *In the event that the complaining person refuses to cooperate with the investigation or there is no identifiable complainant and the information known to the supervisor satisfies the department's definition of a complaint, the complainant will be listed as Department and signed by the supervisor.*
- F. The Department will maintain specific investigative and reporting protocols for each classification of complaint.
- G. Processing the complaint: The Department will ensure that every complaint is reviewed, processed, and where appropriate, assigned for investigation.
- H. Investigative procedures:
 - i. The employee assigned to conduct the administrative investigation shall:
 - a. Evaluate and investigate the complaint;
 - b. Obtain all police reports, communications/dispatch records, MDT transmissions, video recordings, and other police documents;
 - c. Determine the specific allegations of the complainant and identify any other possible department violations, whether alleged by the complainant or not, and
 - d. Conduct interviews normally in the following sequence:
 - 1. Complaining person
 - 2. Other public witnesses

3. Department witnesses
4. Accused employees shall be given written notice of intended interview regarding allegations and normally be allowed a reasonable period prior to the actual interview.

I. Employer/Employee Responsibilities

- i. Prior to any interview or special examination, the employee under investigation will receive written notification of the complaint. Notification may be withheld at the discretion of the Chief of Police based on the sensitive nature of the investigation.
- ii. Prior to an interview, personnel under investigation, and all witnesses who are Department employees, will be advised of their duty to cooperate with the investigator and to answer questions in a truthful manner.
- iii. All interviews will be conducted while the employee is in a paid status.
- iv. Officers under investigation shall not be subjected to offensive language, threatened with dismissal or other disciplinary action during the interview. No promises shall be made by the investigator conducting the interview.
- v. Accused officers may contact the assigned investigator and/or designee to receive information on the status of the investigation of a complaint filed against them.
- vi. Employees or their representatives will not be permitted to review any portion of the investigatory file during the investigation.
- vii. Personnel subject to a complaint investigation are prohibited from contacting the complainant during the course of the investigation.
- viii. Garrity warnings will be issued where appropriate.
- ix. The employee is prohibited from bringing a third party into the interview.

K. Disposition

- i. The investigating person will prepare the investigative report and submit it to the Chief of Police or their designee for adjudication and disposition.
- ii. The Chief of Police or their designee will make a determination regarding the disposition of the complaint using the following categories:
 - a. Sustained: the evidence is sufficient to prove the allegation
 - b. Inconclusive: there was not sufficient evidence to either prove or disprove the allegation
 - c. Exonerated: the actions of the employee were consistent with the law and department policies, rules, regulations and practice
 - d. Unfounded: the allegation did not occur

- e. Policy and/or training deficiency: the allegation occurred but was the fault of deficiencies in department policy and/or training; therefore, the employee cannot be held accountable
 - f. When allegations are sustained, the specific official charges and processing will be conducted according to the personnel practices of the department.
- L. Post Disposition Procedure: The Chief of Police or their designee:
 - i. Notify the complainant of the disposition of the investigation;
 - ii. Review all final complaint investigations to ensure that they are consistent with the practices of the Department;
 - iii. Maintain records of the process;
 - iv. Maintain the completed investigative and adjudication files in a secure, confidential manner; and
 - v. Conduct an annual audit of the process,
- M. When criminal allegations involving a member of the department are identified, the Chief of Police shall be notified immediately:
 - i. Crime within department jurisdiction: the appropriate criminal investigation unit will investigate the criminal aspect unless the department elects to have the investigation conducted by an outside entity. The administrative investigation will be conducted and is not dependent on the conclusion of the criminal investigation. Normally the initiation of a complaint and the start of the administrative investigation will proceed concurrently with the criminal investigation.
 - ii. Crime outside department jurisdiction: Department will:
 - a. Develop and maintain liaison with the involved department, and
 - b. Conduct the administrative investigation the same as it would have had the incident occurred within this department's jurisdiction.
- N. When an officer is terminated due to the outcome of an administrative investigation, the Chief of Police shall notify the Arkansas Commission on Law Enforcement Standards and Training as prescribed by State Law.