



# Horizon City Police Department

## OFFICIAL COMPLAINT PROCESS

### How to Make a Complaint

The Horizon City Police Department encourages any person to bring forward grievances regarding misconduct by employees. Any department member can receive your complaint, however, the preferred method is to submit it to a supervisor or the dispatcher at the public window.

All employees shall be able to explain the complaint process to you if you have questions.

### Responsibility for handling complaints

- All complaints alleging a violation of the law or policy will be investigated.
- Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor.
- Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police.
- Depending on the nature of the complaint, the Chief of Police may request another agency or DPS to undertake the investigation.

### Complaint-handling procedures

- All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared.
- A signed letter of complaint will be accepted as a signed complaint without requiring any specific form.
- Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall reduce the complaint to writing in a memorandum with as much information as possible and forward the report to the Chief of Police or his designee.

- Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
- Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police, who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:
  - 1.a report of the alleged violation
  - 2.any documents and evidence pertinent to the investigation
  - 3.recommendations for further investigation or other disposition.
- If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions.
- Any visible marks or injuries relative to the allegation shall be noted and photographed.
- Prisoners or arrestees may also make complaints. Circumstances may require that a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of any injuries suffered by the complainant.
- An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
- Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, the supervisor will call back as soon as practical.
- In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any other serious violation should be reported immediately regardless of the time of day.

### **Disposition of complaints generally**

The Chief of Police or his/her designee shall:

- Notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
- Enter the complaint into the complaint log, assign a complaint number, and have the complaint investigated. Minor complaints alleging rudeness, minor policy violations, and general

performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.

- Maintain complaint files separate from personnel files.
- Take disciplinary action following the investigation, if appropriate.

### **Disposition of a serious complaint**

- Allegations of misconduct that might result in discharge, suspension, or demotion, or allegations of criminal charges are serious complaints. The term "serious complaint," in this manual, means that there will be an "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
- If a criminal offense is alleged, two separate investigations shall be conducted: a criminal investigation and an administrative or internal investigation. The criminal investigation examines compliance with criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
- In cases of a serious complaint the Chief of Police shall:
  - A. Determine if the officer complained of should remain on-duty, be relegated to non-contact assignments, or put on administrative leave until the investigation is complete.
  - B. Determine and assign responsibility for the investigation.
  - C. Cause the complaint to be registered and assigned an investigation number in the complaint log.
  - D. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the city attorney or legal counsel.
- All investigations will be completed within 45 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If the Chief agrees to an extension a specific number of days will be approved. A copy of the request for extension will be provided to the involved officer and the original placed in the case file.
- Upon completion of any investigation, the Chief of Police will notify the complainant in writing of the results of the investigation and any action taken.

### **ADJUDICATION OF COMPLAINTS**

- The Chief of Police will classify completed internal affairs investigations under the following headings:
  - A. **Unfounded** - no truth to allegations.

**B. Exonerated** - allegations true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for consideration of policy revision.

**C. Not sustained** - unable to verify the truth of the matter under investigation.

**D. Sustained** - allegations are true. Complaints will not be classified as sustained unless the finding is based on facts determined during the investigation.

- Completed investigations classified as unfounded, exonerated, or not sustained will be maintained in internal affairs files in the Chief's office. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in the internal affairs files.
- Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident, and the employee's service record, including prior sustained complaints, will be considered.

### **Disciplinary records**

1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and city policy.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public.

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“The Horizon City Police Department is dedicated to providing the best police service possible to all citizens. Employees are carefully selected and trained to provide service to the community.”

- Chief Michael McConnell

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