

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

#### 1010.1.1 PERSONNEL COMPLAINTS DEFINED

**Formal Complaint** - A written complaint that requires automatic referral to the administrative review process. All formal complaints against sworn peace officers shall be supported by a sworn affidavit signed by the complainant describing the alleged misconduct. The Internal Affairs Coordinator shall seek an affidavit from the complainant if one is not obtained during the initial process. Nothing in this policy prohibits the department from instituting an investigation without an outside complainant.

**Informal Complaint / Inquiry** - A complaint that may be resolved at the supervisory level of the employee in question. These are generally inquiries of citizens concerning a procedure or enforcement action. These complaints are most often resolved by providing the person with additional information about a topic of concern. The person making the inquiry shall be offered the opportunity to make a formal complaint if they are not satisfied with the information that they have received.

A disagreement over a matter of law (e.g. probable cause for arrest, search and seizure issues, contesting a traffic violation, etc.) is not grounds for the initiation of a personnel complaint. Complaining persons should be advised that this is a matter for adjudication by the proper court system.

### 1010.2 POLICY

The Urbana Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report alleged misconduct without concern for reprisal or retaliation.

#### 1010.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms are available through the following resources;

- Upon request at the front desk of the Urbana Police Department.
- Through the City of Urbana website
- Through the City of Urbana Human Relations Division

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#### 1010.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

#### 1010.2.3 ACCEPTANCE OF COMPLAINTS

An alleged victim, an alleged victim's legal guardian, parent or personal representative, or any individual having personal knowledge of alleged officer misconduct shall have standing to file a complaint. Personal knowledge shall mean being an eye or ear witness to an incident involving alleged officer misconduct.

A complaint must be submitted in writing on an Urbana Police Action Citizen Complaint Form within 45 days of the date of the incident giving rise to the complaint, unless the complainant is physically unable to file a complaint because he or she has been hospitalized, incarcerated or called to active military duty. In such a case, the complaint must be filed within 15 calendar days of the date the person becomes physically able to file or is no longer incarcerated or in military service. The alleged victim, or the complainant's parent, guardian or legal representative must sign the complaint. The approved complaint form is available with instructions in both English and Spanish.

The shift supervisor shall meet with all persons that come to the police department and wish to file a complaint against an officer. The supervisor will review the entire packet with the complainant to ensure the reporting party understands the complaint process. This form shall be forwarded to the Chief of Police, along with a narrative report of any preliminary investigation conducted by the Shift Supervisor.

If there is a complaint concerning the actions of a supervisor, the person making the complaint shall be given three options:

- They can speak with another supervisor if one is working.
- They can be given the name of the Lieutenant whose employee is the subject of the complaint. The name and phone number of the person making the complaint should be obtained and forwarded to the appropriate Lieutenant, who will contact the person at the first available opportunity.
- They can be given a citizen complaint form to either take with them or fill out immediately.

Complaints from individuals who exhibit evidence of debilitating symptoms of alcohol or drug intoxication will not be accepted until such time that the complainant has attained full sobriety. Shift Supervisors will take into account the nature and severity of the complaint and the extent to which the intoxication would interfere with proper investigation.

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#### 1010.2.4 NOTIFICATIONS

Persons filing a formal complaint will receive written confirmation that the complaint has been received and is being investigated.

#### **1010.3 DISPOSITION OF PERSONNEL COMPLAINTS**

The conclusion of the process will be structured and will provide information to all participants in the process. The investigating supervisor will make a determination as to the conclusion of fact in the investigation. He/she will also make a recommendation as to final disposition and forward this information via chain of command to the Chief of Police.

The Chief of Police will make a final determination. The potential findings may be:

- (a) Proper Conduct - The investigation indicates that the act or acts complained of did occur but were justified, lawful, and proper.
- (b) Improper Conduct - One or both: The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint, and/or the investigation failed to sustain the original complaint, but revealed evidence of misconduct not part of the original complaint.
- (c) Policy Failure - The investigation reveals that the alleged act did occur, however the employee was acting in accordance with established Department procedures.
- (d) Insufficient Evidence - There is insufficient evidence to either prove or disprove the allegations made in the complaint.
- (e) Unfounded Complaint - Investigation indicates that the act or acts complained of did not occur or did not involve Department employees.

#### **1010.4 COMPLETION OF INVESTIGATIONS**

Complaints will be investigated pursuant to the Internal Investigation policy and a written report will be prepared outlining the following information:

- (a) Summary of the complaint or alleged misconduct
- (b) Statements of all parties to the incident (if appropriate)
- (c) A description of the incident
- (d) Observations and conclusions of the investigator, which may include opinion
- (e) Physical evidence that may exist

#### 1010.4.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential personnel files. The contents of such files shall not be revealed to anyone other than the involved employee or authorized personnel except pursuant to lawful process.

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In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

Unless otherwise limited, all formal personnel complaints shall be maintained for a period of no less than five years. All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years.

Discipline resulting from a sustained complaint shall be maintained in the employee's personnel file pursuant to the appropriate collective bargaining agreements. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Deputy Chief of Police apart from the employee's personnel file.