

## SECTION 120-2. Personnel Complaints



Date Issued	Date Effective	Revision No.	General Order
01-04-2020	Immediate	21-D	21-03
<b>Accreditation Standard 25.2</b>			

### § 120-2A. Purpose.

The purpose of this section is to improve the quality of police services and make a uniform Department-wide personnel complaint procedure to ensure the fair, impartial and expeditious processing of complaints against members of this Department.

### § 120-2B. Background.

It is essential that the community have confidence in the administrative procedures of the Department designed to supervise the exercise of police power. If the integrity and efficiency of the Department is to be maintained, complaints of inadequate service and allegations of misconduct against members of the Department must be thoroughly and expeditiously investigated. At the same time, the Department recognizes that members are often subjected to intense pressures in the discharge of their duties. They are frequently required to remain neutral under circumstances that are likely to generate considerable tension, excitement and emotion. In such situations, words, actions, and events occasionally result in misunderstandings and confusion. It is to the advantage of each member of the Department that the Department have sound, internal procedures for the investigation of allegations arising out of such circumstances. The expeditious resolution of complaints in a fair and impartial manner will ensure that the high level of integrity and efficiency enjoyed by the Department is maintained.

### § 120-2C. Policy.

The Amityville Police Department will accept and investigate all complaints of misconduct or wrongdoing from any citizen or Department members. Members of the Department shall encourage citizens to bring forward legitimate grievances regarding inadequate service or misconduct by members of the Department, and those complaints shall be received courteously and be processed without delay.

### § 120-2D. Procedure.

Members of the Department shall assist in the expeditious and impartial processing of citizen complaints in accordance with these procedures. Complaints received by this Department that allege that a Department member has used inappropriate behavior, is accused of misconduct or has committed a violation of law will be treated as a personnel complaint.

### § 120-2E. Categories of investigations.

1. Category I: all complaints concerning members of this Department that allege:
  - a. Unnecessary or excessive use of force.
  - b. False arrest.
  - c. Violation of a specific criminal statute.
  - d. Corruption.
  - e. Gratuities.
  - f. Serious misconduct.
  - g. Insubordination.
  - h. Other complaints or allegations as directed by the Chief of Police.
  - i. Bias crimes.
2. Category II: all citizen complaints relating to inadequate service, courtesy, improper procedure, and any other allegations involving members of the Department that are not included in Category I.

### § 120-2F. Complaints defined.

While it is generally obvious when a complainant alleges misconduct on the part of any employee, complaints concerning officers' demeanor, lack of service or improper procedures are sometimes more difficult to categorize. In many instances, a citizen may be merely requesting information or clarification of a policy, procedure and/or the officer's actions and demeanor. In such cases, the citizen should be given a thorough explanation of the procedure or the legal issues involved in the situation that initiated the inquiry. In many instances, this clarification and explanation of circumstances will be enough to bring the matter to a conclusion. If, however, there is any question, it should be considered a complaint and forwarded for further action.

### § 120-2G. Central complaint index and records storage.

1. All hard copies of personnel complaints and the related case documentation shall be secured in a locked file drawer within the office of the Chief of Police.

2. The responsibilities of the Lieutenant in relation to the central complaint index shall include the following:
  - a. Coordinate and review internal investigations relating to citizen complaints.
  - b. Prepare statistical analyses of complaints to identify trends or patterns developing within the Department or with individual members that may require additional training or corrective action.

## § 120-2H. Procedure for accepting citizen complaints.

Any citizen's complaint, regardless of category, may be lodged at Headquarters or with any member of the Department. Complaints shall be registered in writing, using the Compliment/Complaint Information Report. The Compliment/Complaint Information Report should be completed by the citizen and then submitted in either of the following ways:

1. Submitted directly to the Amityville Police Department Headquarters Front Desk
2. Faxed to the Chief's office at (631)264-7643
3. Mailed to the Amityville Police Department, Chief of Police, 21 Ireland Place, Amityville NY 11701
4. Emailed to [mayor@amityville.com](mailto:mayor@amityville.com)

## § 120-2I. Supervisor responsibilities.

The supervisor or acting supervisor on duty shall be summoned by the member receiving the complaint. This supervisor shall act as the assigned member in recording and accepting the complaint. This supervisor shall complete all associated paperwork.

## § 120-2J. Assigned member responsibilities.

Any assigned member receiving a Compliment/Complaint Information Report shall take the following actions when the 'complaint' is received in person:

1. Interview Complainant or any Witness
2. Make sure the Compliment/Complaint Information Report is complete and correctly filled out.
3. Prepare Blotter and Incident Report, completing only the following fields:
  - A. Received date.
  - B. Time.
  - C. How Received.

- D. Location.
- E. Type of Event (Always "Internal Investigation").
- F. Assigned Member/Officer.
- G. Law type (LI 300 Internal Investigation).
- H. Narrative section to read "**See attached Compliment/Complaint Information Report.**"  
  
**Note:** An empty case jacket will be put in the file drawer with the cover completed as follows: Case Report Number, Date, and Classification: Internal Investigation

  

- 4. Make departmental notifications in accordance with Section 114-2, Supervisory Notifications and Response, of this Manual.
- 5. **In the supplemental narrative portion of the Incident Report**, document any conditions relating to the credibility of the complainant (i.e., mental condition, apparent influence of drugs or intoxicants, evidence of visible marks of injuries, etc.).
- 6. The Department member **receiving** the complaint shall be responsible for routing the case to the Chief of Police.
- 7. **If a 'compliment' is received on the Compliment/Complaint Information Report; no further action is needed and the report can be forwarded to the Chief of Police to put in the personnel folder of the corresponding member of the Department.**

## § 120-2K. Initiating administrative internal complaints.

In all cases where a member or members of this Department have cause to file a complaint (other than a labor grievance) against another member of this Department, the member shall complete a written report in memorandum form and forward same to the Chief of Police. The Chief of Police will act as the assigned member and prepare the case if needed.

## § 120-2L. Investigation of complaints.

- 1. The Chief and Lieutenant shall have primary responsibility for investigation of all Category I cases.

2. In any situation or incident of a critical or emergency nature, the desk officer shall notify the Chief of Police and request immediate assistance. At that time the Chief shall assume responsibility for the investigation.
3. Category II cases shall be investigated by the on-duty supervisor as far as practical and then forwarded to the Chief of Police, who will determine what follow-up investigation is necessary. The Chief may reassign the complaint to either the Lieutenant or Sergeant.
4. All complaints against personnel shall be investigated by members of superior rank.
5. **Signed Compliment/Complaint Information reports** shall be forwarded to the Chief of Police no later than the next regular business day following the signing of the **report**.
6. All investigations will be conducted promptly and shall be completed within 15 days unless an extension is granted by the Chief of Police.
7. Once a member is identified as the subject of a complaint, and a personnel investigation has started, the supervisor assigned to the investigation will follow through to a logical conclusion.
8. All recognized investigative methods for determining the facts surrounding a complaint shall be utilized. Interviews shall be conducted with the complainant and all witnesses. When necessary, Department members shall be interviewed and written reports obtained.

## § 120-2M. Complaint disposition.

The investigative report shall be forwarded to the Chief of Police to be logged as complete. Dispositions are classified as follows:

<b>Classification</b>	<b>Description</b>
Substantiated	The accused employee committed all or part of the alleged acts of misconduct.
Unsubstantiated	The investigation produced insufficient information to clearly prove or disprove the allegations.
Exonerated	The alleged act occurred, but was justified, legal, and proper.
Unfounded	The alleged act did not occur.
Misconduct noted	Acts of misconduct were discovered during the investigation that were not alleged in the original complaint.

## § 120-2N. Complainant notification.

In all complaints, the complainant shall be notified by the investigating member of the results of the investigation, either in person or by telephone or in writing. 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 disciplinary action shall not be released.

### § 120-2O. Member notification.

In all complaints, the member(s) involved will be notified via the chain of command of the results of the investigation and its completion.

*By Order Of:*

*Chief Bryan O. Burton, Jr.*