

 <p>FERNDALE POLICE DEPARTMENT</p>	Citizen Complaints		
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1.0 PURPOSE

All citizen complaints, including those made anonymously, claiming misconduct by department personnel will be investigated fully. In order to retain the trust and confidence of the public, the people must know that the department will diligently investigate all complaints, and when there are findings of officer misconduct, then this department will take appropriate action. Any citizen who makes a complaint will be advised of the outcome, unless they choose not to be so informed (MLEAC 1.3.1 d).

2.0 POLICY

It is the policy of this department (MLEAC 1.3.1 c):

- to accept, document, review, and investigate all citizen complaints alleging misconduct by department personnel, and;
- objectively determine whether the allegations are sustained, unfounded, exonerated, policy failure, or not sustained, and;
- take appropriate disciplinary action in cases where allegations are determined to be sustained. Cases determined to be unfounded, exonerated, not sustained, or a policy failure may be viewed as an opportunity to train or re-train.

2.1 False reports of officer misconduct can be damaging to the department and the community. If it is determined that a citizen falsely and maliciously made an unfounded complaint against an employee, appropriate investigation and action may be taken.

3.0 PROCEDURE FOR HANDLING CITIZEN COMPLAINTS

3.1 Employee Responsibilities (MLEAC 1.3.1 d)

3.1.1 Each employee of this agency is responsible for accepting and documenting citizen complaints following the procedures prescribed herein.

3.1.2 An employee who interferes with, discourages, or delays the making of a citizen complaint shall be subject to disciplinary action. No employee of this department will harass, verbally abuse, or otherwise threaten any citizen who files a complaint against an employee of this department

3.1.3 All complaints shall be accepted in a courteous, understanding, and professional manner.

3.1.4 When a non-supervisory employee is approached or otherwise receives a complaint from a citizen regarding a department employee, the employee will promptly refer the complainant to the on-duty supervisor.

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3.1.5 If a supervisor is not available, the employee will give the citizen information on how to contact a department supervisor. The employee will try to obtain the name and contact information of the complaining citizen and forward that information to the employee's immediate supervisor as soon as practical.

3.2 Supervisor Responsibilities

3.2.1 Citizen complaints shall be accepted by any supervisor of the department who is approached for such assistance.

- A supervisor shall accept complaints reported by a third-party witness, or a third party that has credible information concerning misconduct by an employee.

3.2.2 The supervisor shall document the complaints in writing, using the approved citizen complaint form.

3.2.3 The supervisor will provide the citizen with the citizen complaint form. She/he will explain the method for completing the form and respond to any questions the citizen may have in completing the form.

3.2.4 Following the completion of the form, the supervisor will review the contents for completeness and will ask the citizen about any part of the complaint that is unclear or is incomplete. The supervisor will explain the steps of the internal investigation process.

3.2.5 In every case, where a citizen indicates physical inability or lack of minimum writing skills to complete the citizen complaint form, it may be prepared for the citizen by the supervisor.

3.2.6 Should the citizen refuse to submit the complaint on the citizen complaint form and/or sign it, or if the citizen wishes to remain anonymous, the supervisor shall note such refusal or anonymity on the form.

3.2.7 Citizens who are unable to speak and/or write in the English language should be encouraged to submit the complaint forms in their native language.

3.2.8 All completed citizen complaint forms will be given a sequential Citizen Complaint control number, preceded by "CC" and the year, i.e., CC2016-001. The numbers shall be assigned by the Captain or his designee.

3.2.9 The supervisor may attempt to resolve a complaint with an explanation and discussion with the complaining party. The supervisor may determine that minor corrective action or counseling with the officer(s) involved is sufficient to resolve the matter at the shift level. Where applicable, attempts to resolve complaints shall be noted on the complaint form. A supervisor who successfully resolves such a complaint shall document the complaint, how it was resolved, and forward a copy to the Captain or his designee.

3.2.10 Any complaints that are not resolved at the shift level shall proceed to have an internal investigation conducted. The supervisor shall then notify the Chief, Captain, or Detective Lieutenant of the need for further action.

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3.2.11 In the event the supervisor receiving a citizen complaint considers it to be of a very serious nature or an emergency circumstance, the Chief or Captain will be notified immediately.

3.2.12 In any serious case or emergency circumstance, supervisory employees have the authority to immediately relieve an employee of active duty status pending further investigation of the incident. The supervisory employee will take custody of a sworn employee's identification card, badges, and duty weapon upon removal from active duty unless directed to do otherwise by the Chief of Police or his designee. This initial suspension from duty will be with pay (MLEAC 1.3.1 e).

3.2.13 Upon the completion of any citizen complaint investigation, a letter will be sent to the complainant by the investigator in charge advising them of the complaint disposition (MLEAC 1.3.1 d).

3.3 Online Submissions (MLEAC 1.3.1 d)

3.3.1 Citizen Complaint forms are available at the City of Ferndale website and the City of Ferndale Police Department website. All online submission will go directly to the Chief of Police for review and disseminated to the appropriate command for initial investigation.

4.0 RECORD KEEPING

Hard copies of documents, pictures, recordings, etc. shall be kept in a file folder to be turned over to the Captain at the conclusion of the investigation of any alleged employee misconduct. The Captain shall maintain all records of an investigation securely in his office in a designated location. An electronic copy of all documentation, pictures, tapes, recordings etc. that can be stored on a computer shall also be retained in secure drive or file in accordance with department record keeping procedures currently in effect (MLEAC 1.3.1 f).



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