



# Complaint Reception & Investigation

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
3.3	1/1/1994	2/1/2018	E. Fox, Chief of Police

### 3.3.1 POLICY

It is the policy of this department to provide a thorough, fair, and expeditious disposition of complaints about the conduct of its employees. Further, it is the policy to invite individuals to bring to the department's attention complaints about its employees whenever that person feels the employee acted Improperly. Complaints will be received courteously, and the department will make every effort to ensure that no adverse consequences occur to any person as a result of having brought what they believed was a legitimate complaint to our attention. All complaints will be investigated according to the procedures described in this directive. The complaint disposition will be consistent with the obligation of providing equitable process for all parties involved. This directive applies to all allegations of misconduct against department police officers, regardless of duty status.

### 3.3.2 COMPLAINT RECEPTION

It is the policy of the Crofton Police Department to investigate all complaints against the Department and/or its employees, Including anonymous complaints,

#### A. Citizen Complaints

Citizens wishing to file a complaint against an employee will be encouraged to submit the complaint in writing to the Chief of Police. If the citizen cannot submit the complaint in writing, the Chief of Police will take the complaint and document it. The citizen filing the complaint must sign the complaint, if the citizen refuses to sign the complaint, it will be considered unfounded, or the Chief of Police may direct that an Investigation be conducted. (Except in the case of brutality allegations, see section 3.3.3)

#### B. Notification to the Town Manager

Upon receipt of a signed complaint, the Chief of Police will notify the Town Manager within 24 hours or by 1600 hours on the next business day. If the complaint is received by the Town Manager or other department member, notification will be made as stated above.

#### C. Frivolous or Malicious Complaints

The Chief of Police is authorized to rule as unfounded any complaint that, after suitable Investigation, is determined to be malicious deliberately false, fictitious, or baseless. These accusations must be investigated and documented to protect the integrity of the department and its employees. In such cases, the extent of the Investigation may be limited to substantiating the falsity of the accusations. Once the investigation has been investigated<sup>1</sup> it will be documented on a Complaint Against Personnel form closed as "unfounded" by the Chief of Police and filed. No further action will be taken against the employee, and the employee may have the complaint expunged according to the provisions of the LEOBOR. A photocopy of the completed report should be forwarded to the employee.

#### D. Written Verification of Complaint

Except for anonymous complaints, the Chief of Police will provide written verification to complainants that the complaint has been received for processing.



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## E. Status of Investigation

The Chief of Police or the Town Manager Is responsible for Informing the complainant of the status of the investigation, in writing, periodically and at the conclusion of the investigation. Citizens whose complaints are sustained will be Informed that the officer received disciplinary action. The nature of the punishment will not be disclosed.

## F. Employee Complaints

Any employee desiring to file a complaint of misconduct against another department employee will complete the Complaint Against Personnel report and forward it to the Chief of Police or the Town Manager. The report need not be forwarded through the chain of command.

### 3.3.3 COMPLAINTS ALLEGING BRUTALITY

#### A. Sworn Affidavit Required

Complaints alleging brutality must be properly sworn to prior to any investigation. The complaint may be duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with firsthand knowledge obtained as a result of their presence at and observation of the alleged incident, or by the parent or guardian in the case of a minor child, before an official authorized to administer oaths.

#### B. Time Limit

Generally, an investigation which could lead to disciplinary action for brutality may not be initiated and an action may not be taken unless the complaint is filed within 90 days of the alleged brutality.

#### C. Exceptions to 90 Day Rule

If the 90 day period has expired but it appears that good cause has been shown for not meeting it, the brutality complaint will be accepted and forwarded to Internal Affairs of Anne Arundel County Police Department. The decision to investigate or not will be made by the Chief of Police or his or her designee on a case by case basis.

#### D. Supervisor's Responsibilities

A supervisor receiving a complaint alleging brutality will determine the extent of the injuries, if any, and take the necessary action to preserve evidence related to the brutality complaint. Color photographs will be taken of all visible injuries, torn clothing, scuff marks indicating a struggle, or any other evidence. The supervisor will instruct the complainant that the complaint must be duly sworn to. Forms for this purpose are available at the Internal Affairs office of the Anne Arundel County Police Department. Alternatively, the complainant may write the complaint on his or her own paper and take it to an official who is authorized to administer oaths, Once sworn to, the complaint must be forwarded to the Chief of Police.



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### 3.3.4 COMPLAINT INVESTIGATION

All investigations will include interviews of the complainant, any known witnesses, and the officer(s) Involved. In addition, the investigator will obtain all available physical and documentary evidence. Investigations must be conducted in full respect of the requirements of LEOBOR.

#### A. Interviews of Complainant and Witnesses

Whenever possible, complainants' and witnesses' statements should be tape recorded, with their permission. If the complaint is sustained, the tape recordings must be transcribed into hard copy form.

#### B. Notification to Police Officer; Interrogation of Police Officers

The employee under investigation need not be Informed of the investigation until it becomes necessary to Interview or interrogate him or her. When employees are notified that they have become the subject of an internal investigation, the investigator will issue the employee a written statement of the nature of the complaint prior to any interrogation. The notification will include a statement of the employee's rights and responsibilities relative to the investigation. The notification will be made to the officer through an inter- office correspondence. In addition, police officers under investigation· are provided with a copy the Maryland Code, Public Safety Article, Titie 3, Sections 3-101 through 3-113, the "Law Enforcement Officer's Bill of Rights."

#### C. Special Investigative Procedures

Polygraph examinations of employees under investigation will not be done unless specifically requested in writing by the employee under investigation, with the consent of the Chief of Police, Police officers may be ordered to submit to a medical or laboratory examination for the purpose of detecting the presence of controlled dangerous substances In the employee's bodies. Police officers may be ordered to submit to a chemical test of their blood, breath or urine, pursuant to the provisions of the LEOBOR. Such a test will be at the department's expense, and will be specifically directed and narrowly related to the subject matter of the internal investigation. Employees may be required to allow themselves to be photographed, upon or of the Chief of Police or his or her designee. Photographs of employees are maintained on file in the office of the Chief of Police and are updated as necessary. Employees may be required to participate in lineup identification sessions upon order of the Chief of Police or his or her designee. A law enforcement officer may not be required or requested to disclose any item of his or her property, income, assets, source of Income, debts, or personal or domestic expenditures (Including those of any member of his or her family or household) unless that information is necessary in Investigating a possible conflict of Interest with respect to the performance of his or her duties, or unless such disclosure is required by state or federal law.

#### D. Liaison with State's Attorney

In cases involving alleged criminal misconduct by a department employee, the Chief of Police will seek legal advice and assistance in case preparation from the State's Attorney. Cases of this nature will not be delegated to line officers For investigation.



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### 3.3.5 CONCLUSION AND REPORT

After completing the investigation, the investigator will submit an internal report For review to the Chief of Police and Town Manager. The report will be submitted In inter-office correspondence to the Chief of Police. The report will Include: the allegations; a statement of facts in chronological order; and, the findings of the Investigation. The following are classifications of findings of each allegation of employee misconduct:

A. Exonerated

The alleged act occurred but was justified, legal and proper. The action of the agency or the employee was consistent with agency policy and the complainant suffered no harm.

B. Policy Failure

Although the action of the agency or the employee was consistent with agency policy, the complainant suffered harm. The deficient policy will be subject to review and revision.

C. Sustained

The accused employee committed all or part of the alleged acts of improper conduct.

D. Not Sustained

The investigation produced insufficient information to prove or disprove the allegation.

E. Unreported Misconduct

This is used to indicate the discovery of sustained acts of misconduct that were not alleged in the original complaint.

### 3.3.6 FINAL DISPOSITION

Officers will be informed in writing of the final conclusion of any investigation. The Chief of Police is responsible for this notification. Cases resulting in sustained complaints will be presented to a trial board according to the requirements of LEOBOR, unless the officer waives this in writing or is still in a probationary status and the complaints does not include an allegation of brutality by the officer. See Index Code 304, "Department Hearing Boards" for procedures.