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| **Internal Affairs/Citizen Complaints** | Related Policies: |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* |
| Applicable State Statutes: KRS 15.520; 95.450; Chapter 90; 78.445 |
| KACP Standard: 12.2, 12.3, 12.4 |
| Date Implemented: | Revision Date: May 1, 2025 |

**Purpose:** To establish a reasonable and transparent procedure for investigating citizen complaints and allegations of violation of law enforcement procedures in compliance with KRS 15.520.

1. **Policy:** The police department will accept and document all complaints alleging officer or department misconduct for the following principal reasons:
	1. To ensure that complaints alleging officer or agency misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations.
	2. To identify areas of misunderstanding by the complaining citizen.
	3. To identify officers whose attitude, behavior, and/or performance are in need of correction and supervisory intervention.
	4. To protect officers and the department from erroneous complaints.
	5. To identify department policies, training, and/or practices in need of re-evaluation, clarification, and/or correction.
2. **Definitions:**
	1. “Complaint” means any statement by a citizen, whether written or verbal, that alleges any type of misconduct by an officer, including statements that are submitted or received anonymously.
	2. “General employment policies” means the rules, regulations, policies, and procedures commonly applicable to the general workforce or civilian employees that are not unique to law enforcement activities or the exercise of peace officer authority, regardless of whether those rules, regulations, policies, and procedures exist or appear in a departmental manual or handbook that is solely applicable to a law enforcement department or agency within the unit of government employing the officer.
	3. “Law enforcement procedures” means only those policies, rules, and customs that:
3. Are specific to the conduct of officers in the exercise of law enforcement powers and functions, including, without limitation:
4. Use of force;
5. Conduct in the course of pursuits;
6. Conduct during stops or detentions of citizens;
7. Conduct in the course of interacting with, assisting, or questioning of citizens; and
8. Investigative conduct.
9. Are carried out in the course of peace officer functions.
10. Are not general employment policies.
11. May exist in either written form or in the form of unwritten standards, practices, or protocols generally accepted and applied in the law enforcement profession.
12. **Procedure:**
13. The agency has developed an informational public brochure to inform members of the community how to provide the department with commendations, agency suggestions, or a complaint alleging employee misconduct. These brochures will be maintained in all police facility lobbies, police informational desks, shift supervisor desks, and jail/booking supervisor desks.
14. When the police department is made aware of a complaint, the continued cooperation of the complainant is not required. The police department will document and investigate as appropriate, regardless of continued cooperation. When the complainant is anonymous or is no longer cooperating, the complainant will be listed as Agency.
15. Initiating Investigation
	1. An investigation shall be initiated when:
16. A complaint is made; or
17. An incident has occurred that could result in a finding of a violation of law enforcement procedure.
	1. An investigation shall not be initiated when there is an internal complaint of a general employment policy violation and no facts alleging conduct that must be investigated under (C)(a). These matters will be handled administratively through the appropriate disciplinary processes.

OR

An investigation shall not be initiated when there is an internal complaint of a general employment policy violation and no facts alleging conduct that must be investigated under (C)(a). These matters will be handled administratively through the appropriate disciplinary processes and in accordance with KRS 95.450.

OR

An investigation shall not be initiated when there is an internal complaint of a general employment policy violation and no facts alleging conduct that must be investigated under (C)(a). These matters will be handled administratively through the appropriate disciplinary processes and in accordance with KRS 90 and the city’s civil service ordinance.

* 1. When an investigation is initiated, the accused officer shall not be notified until authorized by the chief or designee according to this policy.
	2. A police employee with knowledge that an investigation should be initiated must:
1. Notify an on-duty supervisor.
2. Gather all available information regarding the complaint, including contact numbers for the complainant, if any.
3. Provide the gathered information to a supervisor at the earliest moment during the employee’s duty shift.
4. If a supervisor cannot be made available to a complainant or a complainant refuses to wait for the supervisor, the employee shall provide the complainant with the supervisor’s contact information.
5. Failure to follow these acceptance provisions may result in disciplinary action against the involved employee.
6. A supervisor with knowledge that an investigation should be initiated must:
7. Conduct a tape-recorded interview with the complainant, if any, to ascertain each allegation of misconduct alleged. The complaining person can refuse to be tape-recorded. In these cases, the supervisor shall continue to interview the complainant and note the refusal on the completed public service report.
8. Obtain a written, signed, and sworn complaint from the complainant at the conclusion of the interview. Even if the complainant refuses to provide a written, signed, and sworn complaint, the department will still complete the investigation to determine if there is evidence that can independently substantiate the claim.
9. Respond to the scene of the police encounter/incident, if active.
10. Ensure that all necessary medical treatment is provided and documentation is preserved.
11. Determine the identity of persons involved, witnesses, and any other police agency’s personnel and agency employees.
12. Ensure that proper evidence is collected and/or documented.
13. Ensure that all reasonable documentation and physical evidence is maintained. This includes police reports, communications/dispatch information, MDT transmissions, medical documentation, and video recording of any portion of the police involvement.
14. Prepare the public service report and obtain a PSR number.
15. Request written reports when:

(1) No allegations of criminal wrongdoing are included, request a written report of the incident from the accused employee prior to the end of their next tour of duty, after the tour of duty during which the employing agency initially was made aware of the complaint or circumstances under investigation; or

1. Criminal allegations are involved, supervisors shall notify the chief of police through the chain of command according to paragraph (I) of this policy.
2. Failure to follow these provisions may result in disciplinary action against the involved supervisor.
3. When the police department has sufficient facts to warrant the suspension of an officer pending investigation
4. The chief or designee shall contact legal counsel prior to initiating the suspension unless immediate removal of the officer prevents the chief from doing so.
5. The chief may then suspend the officer with pay until the executive authority reviews the violation.
6. Prepare a concise notice of the reasons for suspension prior to or within 24 hours of the suspension.
7. It is the responsibility of the Internal Affairs unit/person to process the complaint for investigations as follows:
8. Assign the complaint the appropriate control number and classification number;
9. Log the complaint into the record management system;
10. Ensure that the complainant receives a letter notifying that the complaint has been received and will be assigned for investigation;
11. Assign the investigation to the appropriate agency employee for investigation; and
12. Assign the investigation a due date for completion within 30 days. Extensions of this due date must be submitted in writing for approval by the person in charge of the internal affairs process and made part of the final investigative report.
13. Investigative procedures
14. The employee assigned to conduct the administrative investigation should:
	1. Evaluate the allegations contained in the public service report, listen to the tape recording of the complainant, if available, and consult with the person accepting the complaint or learning of the allegation(s).
	2. Obtain all police reports, communications/dispatch records, MDT transmissions, video recordings, and other police documents.
	3. Determine the specific allegations of the complainant and identify any other possible agency violations, whether alleged by the complainant or not.
	4. Conduct interviews not previously obtained when the investigation was initiated, normally in the following sequence:
		1. Complaining person;
		2. Other public witnesses; and then
		3. Agency witnesses, other than the accused employee.
	5. A preliminary investigative report summarizing the evidence shall be forwarded for review by the chief or designee to determine whether the accused officer should be interrogated.
	6. Prior to providing a notice of interrogation under KRS 15.520 to the accused officer, the chief or designee shall consult with legal counsel.
15. Disposition
16. The investigating person will prepare the final investigative report and submit it through the chain of command for adjudication and disposition. The investigator is a fact finder only and is not expected to make findings or recommendations.
17. The chief will make a recommendation to the executive authority for the disposition findings for each allegation using the burden of proof of a preponderance of the evidence found in the following classifications:
18. Sustained - there was a preponderance of evidence to prove the allegation.
19. Not sustained - there was not sufficient evidence to either prove or disprove the allegation.
20. Exonerated - the actions of the employee were consistent with the law and department policies, rules, regulations, and practice.
21. Unfounded - the allegation did not occur.
22. Policy and/or training deficiency - the allegation occurred but was the fault of deficiencies in department policy and/or training and cannot be accountable to the employee involved.
23. The final authority for the disposition is the executive authority.
24. When allegations are sustained, legal counsel shall be consulted to assist in the charging process, including preparation of any necessary charging documents, according to applicable city or department policies and KRS 15.520.
25. Role of internal affairs or the designated person
26. Internal affairs shall prepare the letter to the complainant following the conclusion of the investigation and the disposition of the complaint advising the person that the matter has been resolved.
27. Internal affairs is responsible for the quality control of the complaint and administrative investigation process and should:
28. Review all final complaint investigations to ensure that they are consistent with the practices of the department.
29. Maintain records of the process.
30. Maintain the completed investigative and adjudication files in a secure manner.
31. Conduct an annual audit of the process.
32. Maintain statistical documentation regarding the process and prepare any overall reports consistent with the directions of the chief of police.
33. Alert the department to any noticeable trends that may require specific supervisory direction, policy review, or training evaluation.
34. When criminal allegations involving a member of the agency are identified, the chief of police [and internal affairs] shall be notified. The chief or designee shall notify the executive authority and legal counsel upon receipt of notice.
35. Crime within agency jurisdiction
	1. The appropriate criminal investigation unit will investigate the criminal aspect unless the agency elects to have the investigation conducted by an outside law enforcement agency.
	2. The administrative investigation will be conducted by internal affairs/chief and is not dependent on the conclusion of the criminal investigation. The administrative investigation may continue so long as no actions in the administrative investigation would interfere with the criminal investigation.
	3. The accused employee shall not be interviewed or interrogated during the pendency of the criminal investigation unless authorized by the mayor and the chief after consulting with legal counsel and the prosecutor.
36. Crime outside agency jurisdiction: internal affairs/chief will:
	1. Develop and maintain liaison with the involved agency; and
	2. Conduct the administrative investigation the same as it would have if the incident occurred within this agency’s jurisdiction.

#### **It is the policy of this agency that the Internal Affairs function will accept and thoroughly investigate all complaints of alleged misconduct. Additionally, the investigator assigned to a complaint will ensure their follow-up investigation is fair, equitable, impartial, and fact based.**

**Police Department**



The \_\_\_\_\_\_\_\_\_\_ Department/Office

Strives to provide the highest level of performance for the citizens we serve. While not all encounters will be pleasant due to the nature of law enforcement, we, as an agency recognize the need for professional performance by all of our members. As such we want to hear when our employees provide service that a citizen perceives as professional or unprofessional. We are committed to reviewing the actions of all of our employees in our effort to continually improve the level of performance of this agency.

# Complaints/Commendations will be accepted in-person, by phone, mail, or e-mail.

**Making a Complaint**

**Giving Commendation**

In order to ensure that you have sufficient avenues to reach us, you can contact us in any of the following ways. In all complaint cases you will be provided with an agency form to fill out. Note that all complaints will be investigated even if you choose not to fill out the form:

1. Come to any agency facility and notify on-duty personnel.
2. Call any agency facility.
3. Call the Emergency Communications Center at \_\_\_\_\_\_\_\_\_\_.
4. Write a letter detailing your complaint/commendation and send it to the address listed on this brochure.
5. Call the\_\_\_\_\_\_\_\_\_\_\_\_office between the hours of 8a.m. and 4 p.m.
6. Notify us by email at

\_\_\_\_@\_\_\_\_.org

Office/Department

Street Address

Address 2

City, ST ZIP Code

Phone:

Fax:

E-mail address

Committed to Excellence

Phone: 317 555-1212

interviewed in a similar fashion to your interview. These police employees will be instructed not to contact you unless it is in response to a police service need.

We strive to complete all of these Public Service Report investigations within 30 days. Normally the review process takes a few more days. You will be notified of the outcome of the investigation.

Citizens, such as you, are valuable eyes and ears for our community and this agency. We respect your input, both good and bad. Whenever you see police actions which you believe we should be aware of, please report those to us.

# Public Service Report

The \_\_\_\_\_\_\_\_\_ Department /Office provides law enforcement service to our community. This agency has trained its personnel to provide consistent and professional service. As a member of our community, you can assist us in ensuring that this level of service maintains that high level of expectation. We encourage your participation. We want you to give us information when you observe actions by this agency or individual police employees which you believe needs our attention. These can be both those actions which you find rewarding and those you might believe are not at an acceptable level of professional police service.

You may report your observations in person, by letter or on the telephone. This agency does accept anonymous information, but we would prefer that you provide us with your identity. Anonymous reports are investigated only to the extent which the information allows; which may not be satisfactory to you or this agency.

You should expect that your initial contact will be with a supervisor of our agency. The supervisor will prepare the actual Public Service Report and conduct a preliminary

investigation. This is to ensure that all relevant and available information is gathered when it is still fresh. Your cooperation is very important particularly in identifying witnesses and allowing us to accumulate evidence including photographs and medical treatment records, if necessary.

A member of this agency will be assigned to investigate your report. You should expect to hear from that person within a couple of days. The investigator will attempt to arrange for a convenient time and location to conduct a formal interview with you. This interview, as are all of our interviews, will be tape recorded.

Your specific report has been given the case number \_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been assigned the investigation. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ can be reached at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but you should not feel that you have to contact him/her directly.

An essential part of this investigation is the direct contact with the involved police employees. In the case of a commendation, your report will become part of his/her personnel file. In other cases, they will be

#### **Help Us Improve the Service to Our Community**

teléfono: 317 555-1212

Committed to Excellence

El departamento u Oficina de \_\_\_\_\_\_\_\_\_\_ se esfuerza para proporcionar el máximo nivel de rendimiento para los ciudadanos que servimos. Aunque no todos encuentros será agradables debido a la naturaleza de la aplicación de la ley, nosotros, como organismo reconocen la necesidad de actuación profesional de todos nuestros miembros. Como tal, queremos oír cuando nuestros empleados proporcionan servicio que un ciudadano percibe como profesional o no profesional. Estamos comprometidos a revisar las acciones de todos nuestros empleados en nuestro esfuerzo para mejorar continuamente el nivel de rendimiento de esta Agencia. Quejas/elogios serán aceptado en persona, por teléfono, correo o correo electrónico.

**Police Department**



Calle dirección ciudad de 2, ST código postal teléfono: Fax: dirección de correo electrónico

Office/ Department

Misión de la Agencia o el mensaje del jefe o Sheriff

Haciendo una denuncia dando elogio en orden, para asegurarse de que tiene medios suficientes para llegar a nosotros, puede contactarnos en cualquiera de las siguientes maneras. En todos los casos de denuncia se prestará un formulario de agencia a rellenar. Tenga en cuenta que todas las denuncias serán investigadas incluso si no desea rellenar el formulario: A cualquier instalación de Agencia y notificar al personal en servicio. Llamar a cualquier instalación de la Agencia. Llame al centro de comunicaciones de emergencia en \_\_\_\_\_\_\_\_\_\_. Escribir una carta detallando su queja/elogio y enviarlo a la dirección que aparece en este folleto. Llamar la \_\_\_\_\_\_office entre las horas de 8 a.m. y 4 p.m. notificar por correo electrónico a \_\_\_\_@\_\_\_\_.org

#### **Es la política de esta agencia que la función de asuntos internos aceptarán y fondo investigar todas las denuncias de presunta mala conducta. Además, el investigador asignado a una queja garantizará su investigación de seguimiento es justa, equitativa, imparcial, y hecho.**

acumular pruebas, incluyendo fotografías y registros de tratamiento médico, si es necesario. Un miembro de este organismo se asignará para investigar su informe. Debe esperar a escuchar de esa persona dentro de un par de días. El investigador intentará organizar de un hora y lugar para realizar una entrevista formal con usted. Esta entrevista, como son todas nuestras entrevistas, será la cinta grabada. Su informe específico se ha dado el caso número \_\_\_\_\_\_ y \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ha sido asignado a la investigación. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ puede ser contactado en \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, pero no debe sentirse que tiene contacto con él directamente. Una parte esencial de esta investigación es el contacto directo con los empleados de la policía involucrados. En el caso de un elogio, el informe pasará a formar parte de su archivo personal. En otros casos, se entrevistó en forma similar a la entrevista. Estos empleados de policía...

Investigaciones de informe de servicio público dentro de 30 días. Normalmente el proceso de revisión toma unos días más. Se le notificará el resultado de la investigación.Citizens, such as you,

**Public Service Report**

El Departamento /Office \_\_\_\_\_\_\_\_\_ proporciona servicio de aplicación de la ley a nuestra comunidad. Esta Agencia ha capacitado a su personal para proporcionar servicio consistente y profesional. Como miembro de nuestra comunidad, puede ayudarnos a garantizar que este nivel de servicio mantiene ese alto nivel de expectativa. Alentamos su participación. Queremos que nos dan información cuando observa las acciones de esta agencia o empleados individuales de policía que cree que necesita nuestra atención. Pueden ser tanto aquellas acciones que encontrar gratificante y los que creen que no están en un nivel aceptable del servicio de policía profesional. Usted puede informar sus observaciones en persona, por carta o por teléfono. Esta Agencia aceptar información anónima, pero preferiríamos que usted nos proporcione su identidad. Investigan denuncias anónimas sólo en la medida que permite a la información; que no sea satisfactorio a usted o a esta Agencia. Usted debe esperar que su contacto inicial será...investigation. This is to ensure that all relevant and available information is gathered when it is still fresh. Your cooperation is very important particularly in identifying witnesses and allowing us

son valiosos ojos y oídos para nuestra comunidad y esta Agencia. Respetamos su entrada, buena y mala. Cuando vea las acciones de la policía que crees que deberíamos ser conscientes de, informe los nos.

#### **Ayúdenos a mejorar el servicio a nuestra comunidad**