

DEKALB POLICE DEPARTMENT

Subject: **Citizen Complaint Procedure**

Policy #: **202.4**

Effective Since: 8-21-03 (Rescinds/replaces Review Board)Originally Issued As: General Order # 9 of 11-27-89

Revision Effective: 1-1-19

FTO Training Task: # 1

Reference Material: Illinois Compiled Statutes Peace Officer's Bill of Rights

ILEAP Standards Covered: ADM.18.01-18.02

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PURPOSE: The purpose of this policy is to outline the procedures the department will follow when receiving a citizen complaint about an employee's conduct.

POLICY: It is essential that the community have confidence in the department's execution of its duties. It shall be the policy of the department to encourage citizens to bring forward legitimate grievances regarding misconduct by department members and that these complaints by citizens are received courteously and without delay. It is the policy of the department that each employee will perform the duties and assume the obligations of their rank in the reporting or investigation of complaints or allegations of misconduct against department employees. Employees will cooperate fully with the procedures of the department concerning such investigations.

DEFINITIONS: none

PROCEDURE:

- A. **Citizen complaints against department personnel** : The department makes information available to the public on its website regarding procedures to be followed for registering complaints against the agency or its employees. [ILEAP ADM.18.01]
 1. The department will record, investigate, and adjudicate all complaints against the department or employees as soon as possible in the accordance with the following directives. [ILEAP ADM.18.02]
 2. When the investigation cannot be completed on the date it is received, notification will be made by the receiving supervisor to the Division Commander, outlining the nature of the complaint and any actions already taken.
- B. **Classification of Complaints**
 1. On occasion, malicious and deliberate false accusations are made. These accusations will be investigated to protect the integrity of the agency and its employees. In some cases, the extent of the investigation may be limited to substantiating the falsity of the accusations.
 2. **The following situations will not be regarded as a formal citizen complaint if the nature of a citizen's inquiry into an employee's conduct is readily determined to be :**
 - a. Factually incorrect or obviously unfounded and the citizen is informed of such;
 - b. Due only to misinformation or misunderstanding the nature of the incident and the citizen is satisfied with the supervisor's explanation; or
 - c. Issues related to lawful and allowable officer's discretion in matters of enforcement;
 - d. When the supervisor can informally mitigate a complaint that is minor in nature through a discussion with the citizen and/or the officer, and the citizen does not wish to make a formal complaint.
 3. **A citizen complaint will be categorized as a formal complaint if :**
 - a. The nature of the complaint involves an actual violation of a rule, policy, or law that would ordinarily involve disciplinary measures; or
 - b. The citizen wishes to file a formal complaint after the supervisor's explanation to the citizen is regarded as inadequate to mitigate the circumstances and the nature of the complaint could involve disciplinary measures if the violation occurred.
 4. Formal citizen complaints will be recorded in the department's Officer Complaint module in the Records Management System (RMS). This is located under the Specialized tab in the Internal Affairs section.

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5. Though citizens are not required to initially file a formal complaint in writing, they may be asked to attest to the validity of a complaint by their signature on a written statement, or upon an affidavit, and/or to have a personal interview be video recorded.
- C. **Conclusion of investigation involving department members/employees** . All investigations of department members or employees accused of poor performance or misconduct will conclude with one of the following findings:
 1. **Unfounded** : The investigation indicates that the act(s) complained did not occur or failed to involve police personnel.
 2. **Exonerated** : Acts did occur, but were justified, lawful, and proper.
 3. **Not Sustained** : Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
 4. **Sustained** : The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
- D. All cases involving a supervisor shall be investigated by the next senior supervisor in the chain of command.
- E. All investigations of the Chief of Police shall be conducted by the City Manager or a designated agent.
- F. **Serious complaints or allegations** . If, in the opinion of the supervisor, an incident is of serious gravity, the supervisor shall notify the respective Division Commander as soon as possible, who will notify the Deputy Chief and/or Chief of Police if deemed necessary. In addition, immediate action necessary to preserve the integrity of the department shall be taken. Should the matter pertain to or involve the Chief of Police, the City Manager shall be notified by a command staff member.
- G. **Internal Affairs Investigations** : Complaints that are particularly serious in nature will be assigned to the formal Internal Affairs function by the Chief of Police as listed in Policy 202.5, Internal Affairs Investigations.

This policy replaces the former Review Board procedure. This policy becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.