

GENERAL ORDER: COMPLAINT ADMINISTRATION ADM: 10

PURPOSE

It is necessary to establish a system of responding to and managing complaints and professional standards investigations (PSI) to ensure that the Laramie Police Department is maintaining the highest level of professionalism and accountability to the public.

The effectiveness of the department is dependent upon community approval and acceptance of police authority. A central ingredient to this acceptance is the community's image of the department, which is determined by the personal integrity and discipline of all department members. The image of the department is maintained by professional response to any allegations of misconduct by the Department or its employees.

POLICY

It is the policy of the Laramie Police Department that all complaints of alleged or suspected violations of law, ordinances or department rules, regulations or orders shall be investigated and recorded electronically or in writing. This includes those complaints reported to any member of the Department by:

1. Members of the department, either orally or in writing
2. Citizens (including prisoners) in person, by telephone, by correspondence, either signed or anonymous
 - a. For more serious allegations complainants may be asked to sign an official Professional Standards Investigation (PSI) form.

The department encourages citizens to bring forward any legitimate complaint regarding misconduct by employees. It also recognizes that false complaints are occasionally made against the Department or its employees. Nevertheless, all complaints must be investigated to protect the integrity of the Department and its employees and to instill public confidence in the Department. In some cases, the extent of an investigation may be limited to substantiating the falsity of a complaint.

OBJECTIVES

1. Protection of Department Personnel – Employees of the department must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Additionally, many complaints are the result of misunderstandings which can be resolved through the intake and investigative process.
2. Protection of the Department – The department is often evaluated and judged by the conduct of individual employees. It is imperative that the entire department not be subject to public censure because of the misconduct of a few of its employees.
3. Protection of the Community – In order to maintain the community's legitimate expectation of fair and impartial police services, any misconduct by department personnel must be detected, thoroughly investigated, and properly adjudicated.
4. Removal of Unfit Personnel – Personnel who engage in serious acts of misconduct or demonstrate that they are unfit for police work must be removed for the protection of the community, the Department, and its members.
5. Correction of Procedural Problems – The Department is constantly seeking to improve its efficiency and effectiveness and occasionally personnel investigations reveal faulty procedures that otherwise would have gone undetected. These procedures can then be improved or corrected.

AUTHORITY

The investigating officer(s) acts directly under the authority of the Chief of Police. The investigating officer(s) has the authority and responsibility to investigate any acts or omissions of an action of any Department personnel which may be in conflict with the duties and obligations of the employees, regardless of rank or position in the Department. Every employee of the Department shall be required to fully disclose his/her actions pertaining to the investigation as follows:

1. Noncriminal Investigation – Employees under investigation shall be advised if the nature of the investigation is non-criminal, in which case the employee must answer any questions, even if the answers may result in departmental sanctions. Failure to answer such questions may be grounds for additional disciplinary action.

2. Criminal Investigations - Employees under investigation shall be advised if the nature of the investigation is criminal. No employee will be required to incriminate himself/ herself, but may be required to make statements if immunity is conferred (see below).

PROCEDURES

Receiving Complaints

1. When a complaint or allegation is received, it shall be referred to the on-duty patrol or dispatch supervisor.
2. Generally, complaints will be investigated at the lowest appropriate supervisory level in the Department. If the complaint involves an allegation of serious violation of City or Department policy or an allegation of criminal wrongdoing, the Chief of Police or his/her designee, shall be notified as soon as possible.
3. After review through the chain of command, a determination shall be made to either assign a PSI number to the complaint or to allow it to continue through the chain of command for tracking purposes.
4. The Chief of Police shall make the final determination whether assignment of a PSI number is appropriate or not on each individual complaint received.
5. If necessary, the complainant shall be contacted and informed of the status of the investigation, in writing, when serious allegations are investigated.

Investigation of Complaints

1. The investigation of a complaint may be conducted using any and all standard and accepted investigative procedures.
2. After the investigating officer(s) has received and reviewed all of the investigative reports and information, he/she shall arrive at a final recommendation which shall be classified into one of the following categories:
 - a. Substantiated-Complaint is supported by sufficient evidence
 - b. Unsubstantiated
 - i. Incident did not occur or member was not involved.

- ii. Insufficient evidence to prove or disprove the complaint.
- c. Unfounded-The complaint is false or not factual.
- d. Exonerated - The incident occurred but the Department member acted lawfully and / or appropriately.

Rights of Department Personnel Under Investigation

Whenever a Department employee is under investigation which could lead to disciplinary action, the investigation shall be conducted under the following conditions:

1. The employee under investigation shall be informed of the name of the officer(s) in charge of the investigation.
2. The employee under investigation shall be informed of the nature of the investigation. In cases where, in the investigating officer's opinion, the investigation would be jeopardized by disclosure, the requirements of this and the preceding paragraph may be waived by the Chief of Police.
3. As a general rule, no employee of the Department shall be compelled to make statements, written or oral, against himself/herself in a departmental investigation which may incriminate him/her in a criminal matter. In cases where it is necessary for the member to be compelled to make such statements, such statements shall not be used against him/her in any subsequent criminal prosecution (see Appendix A re: Garrity).
4. The employee under investigation for internal Professional Standards Investigations shall not have the right to have an attorney present during the interview. Such interviews are at the convenience of the department.
5. The employee's retention of an attorney during any Professional Standards Investigation is at the discretion of the Chief of Police.
6. Refusal by an employee to cooperate in any way during a non-criminal investigation shall be grounds for administrative disciplinary action, including termination.
7. Professional Standards Investigations shall be completed in an expeditious manner and, except in extraordinary circumstances; a final resolution shall be reached within 30 days.

Emergency Suspension

Any supervisor has the authority to relieve any employee under his/her command from duty. The employee being relieved from duty shall be required to report to the Assistant Chief of Police at 0830 the following working day, unless otherwise directed by his/her supervisor.

The supervisor relieving any employee of duty shall immediately notify those in the supervisor's chain of command, who shall notify the Chief of Police of such action. The supervisor shall then prepare a written report of the incident and forward it to the Chief of Police no later than the end of the duty shift during which the incident occurred.

Investigative Report

At the conclusion of a Complaint or Professional Standards Investigation, the investigating officer(s) will prepare and submit a report in the current electronic Internal Affairs/complaint tracking system. The report shall include:

1. Allegation
2. Investigation
3. Conclusion
4. Recommendation

If the investigation or complaint involves an officer's use of any tactic or technique that is trained at our department, the electronic report will be forwarded in the following order:

1. Investigating officer to Training Sergeant
2. Training Sergeant to person with most knowledge (PMK) in the tactic or technique used
3. PMK to involved officer's Lieutenant
 - a. PMK to PSAP Administrator if the involved employee is from the LARC Division
4. Lieutenant or PSAP Administrator to Assistant Chief
5. Assistant Chief to Chief of Police

If the investigation or complaint does not involve an officer's use of any tactic or technique that is trained at our department, the electronic report will be forwarded in the following order:

1. Investigating Officer to involved officer's Lieutenant
 - a. Investigating officer to PSAP Administrator if the involved employee is from the LARC Division
2. Lieutenant or PSAP Administrator to Assistant Chief
3. Assistant Chief to Chief of Police

All Professional Standards Investigations and all files and reports are the property of the Chief of Police. All Professional Standards Investigation files and reports shall be maintained in a secure place.

Employees of the department may request permission through the Chief of Police to review the contents of Professional Standards Investigations in which they were accused of misconduct.

A record of all PSI numbers shall be kept in the current electronic Internal Affairs/complaint tracking system.

Closing of a Case

The Chief of Police shall not be bound by the recommendation of the investigating officer or any other member of the department in deciding on the appropriate disciplinary or remedial action(s). The Chief of Police will be the final authority at disposition. Disciplinary or remedial action may consist of one or a combination of the following:

1. Oral counseling
2. Remedial training
3. Professional counseling/medical treatment - *In any case wherein a member of the department is receiving such services or treatment, the Chief of Police may request an assessment of the member's fitness for duty. Such requests shall be limited specifically to the question of fitness for duty.*
4. Oral warning
5. Written reprimand
6. Reduction in grade

7. Suspension without pay for up to a maximum of 30 days
8. Termination
9. Other actions as determined suitable by the Chief of Police.

Prior to any disciplinary or remedial action, the affected department employee shall be afforded the opportunity to make a written response to the allegation(s) and investigation. Such responses shall be directed to the Chief of Police and will afford the employee the opportunity to present any defense(s) or justification(s) for their action(s).

Any disciplinary action above the level of an oral warning will be forwarded to Human Resources for placement in the involved employee's permanent City of Laramie personnel file.

Department personnel may appeal any appealable disciplinary or remedial action through the appeal process outlined in the City of Laramie Personnel Rules.

The Chief of Police will notify the complainant of the final determination of the investigation and what action if any was taken, without disclosing protected personnel information.

Recording of Disposition - Record keeping

After a complaint disposition is determined and acted upon, all complaints and PSIs will be properly cataloged in the following manner:

1. All complaints and PSIs shall be entered in the current electronic Internal Affairs/complaint tracking system no later than 30 days after they are received by the record keeper.
2. All investigation documentation shall either be retained in electronic or hardcopy format (depending on the type of documentation).
3. The PSI logs shall be retained in the current electronic Internal Affairs/complaint tracking system.
4. It will be the responsibility of all supervisory personnel to inquire as to if any complaints or PSIs have been completed on personnel they have the responsibility to evaluate, to ensure that all relevant information is included in the yearly evaluation.

This General Order, titled Complaint Administration ADM: 10, is effective January 11, 2010 and revised February 26, 2019.

By order of _____
Dale A. Stalder, Chief of Police

Distribution: All Personnel Power DMS
City Attorney
City Manager

I acknowledge receipt of this electronically distributed General Order/SOP. I understand that I am responsible for reading, understanding, and following this Order as well as any updates or changes that are issued for it. I further understand that my failure to read and have a working knowledge of this General Order/SOP shall not constitute an excuse for failure to abide by this Order.

Personnel Signature

Electronic Distribution Date: March 26, 2021

Audit Date: February 2022