

Complaint Handling
&
Complaint Investigations
Leadership Academy



Course Content

- Public Perception of Complaints
- 1st Line Supervisor's Role
- Accepting Complaints/Concerns
- Sorting Complaints/Concerns
- Complaint Investigation Process

Public Perception
vs.
Reality

What We Know

Public Perception



Television police dramas have done an excellent job of confusing and misinforming the public concerning the character, purpose, function, and frequency of internal affairs investigations.

What We Know

Public Perception

A large part of the public believes:

- Complaints are never investigated.
- Cops cover up for other cops.
- Cops have an us versus them attitude.

We Also Know

Reality

- Officers make mistakes.
- Some make serious mistakes.
- Some make mistakes that threaten the safety of the public and the safety of the officers with whom they serve.

We Also Know

Reality

- Citizen expressions of concern are few and far between.
- Most of those contacts do not lead to the filing of written complaints.
- Many citizens concerns can be addressed at the supervisory level.
- Of those that are referred to Internal Affairs, only a fraction are sustained.

What We Know

Reality

If we don't take citizen
complaints seriously

OR

If the public thinks we
don't take complaints seriously

We will never gain/keep the community's trust.

What We Know

Reality

Public Trust is still high because:

- Recognize the difficult nature of the job.
- Believe we're doing a good job.
- They need us!
- More importantly, MN officers have professional standards and processes.

Role Of The First-Line Supervisor

- The first-line supervisor plays a critical role in accepting and the successful resolution of the majority of citizen complaints.



Department of Justice Study

Good first-line supervision can help prevent police officers from abusing their authority.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Non-supervisors	16.5	70.2	12.4	0.9
Supervisors	38.5	58.8	1.9	.08

- 121 Departments
- 925 Random Officers
- Non-supervisors; 86.7% agreed or strongly agreed
- Supervisors; 97.3% agreed or strongly agreed

Role Of The First-Line Supervisor

Basic Understanding:

- Department Culture
- Policies & Procedures
- Complaint Process

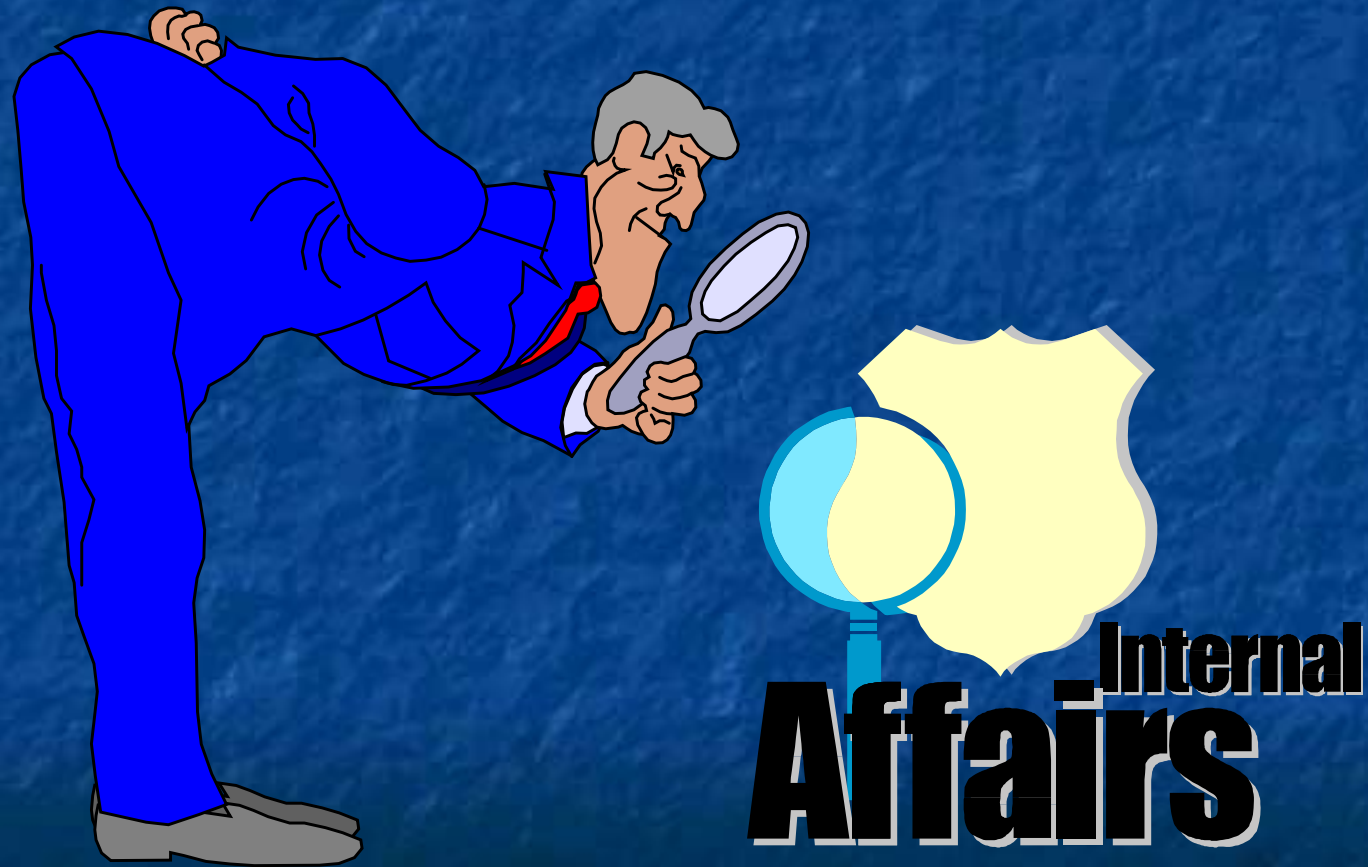


Accepting Complaints

POLICE COMPLAINT VIDEO

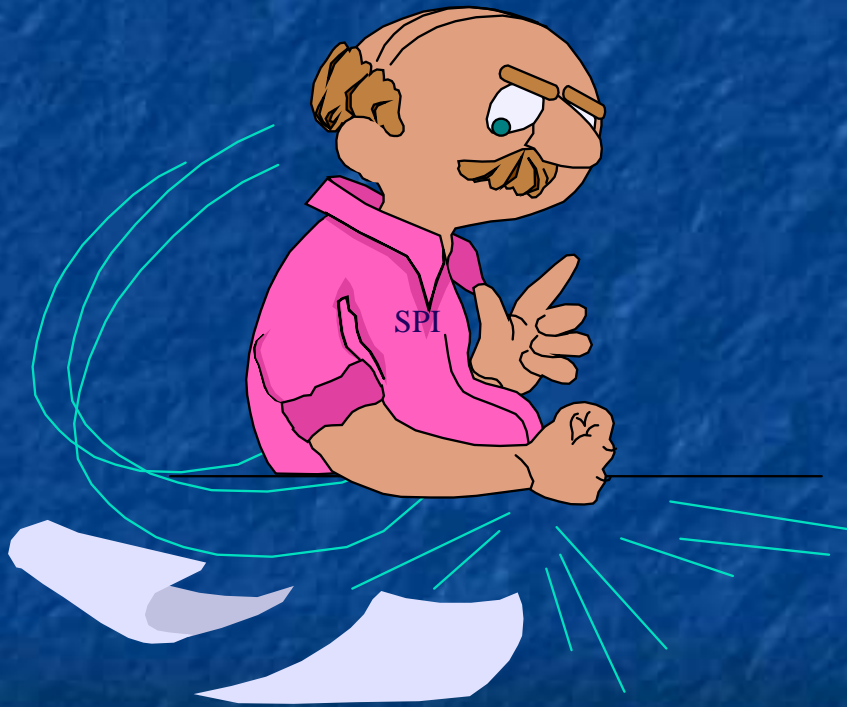
[Wanna File a Police Complaint... Arrested for Trying](#)

Why Accept Complaints?



Post Board Rules

Paul Monteen



- 6700.2000
- 6700.2100
- 6700.2200
- 6700.2300
- 6700.2400
- 6700.2500
- 6700.2600

POST Board Rules

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 6700](#)

6700.1500 STANDARDS OF CONDUCT FOR LICENSEES.

Subpart 1. Statutory authority. This part is adopted pursuant to Minnesota Statutes, section [626.843](#), subdivision 1, clause (e); section [626.845](#), subdivision 1, clause (i); and chapter 214.

Subp. 2. Scope. Nothing in parts [6700.0100](#) to [6700.1900](#) shall preclude or prevent any agency, political subdivision, civil service commission, or other appointing authority from publishing and enforcing rules, policies, or procedures which are more comprehensive than those minimum statewide standards set forth hereinafter. The responsibility for enforcing any rules, policies, or procedures which are more comprehensive than the following minimum standards of conduct remains with the promulgating agency, political subdivision, commission, or appointing authority.

Subp. 3. Purpose. The board believes that in order for the public to have confidence in the integrity and ability of law enforcement, it is paramount that peace officers demonstrate that they are capable of self-regulation. The board further believes that internal discipline is properly a function of the appointing authority and its political subdivision. These standards of conduct relate to licensure only and violations thereof do not enlarge on a peace officer's civil or criminal liability in any way.

STAT AUTH: MS s [626.843](#)

Current as of 01/02/02



Becoming an Officer	Exams	Licensing	Board Information	Continuing Education	Upcoming Approved Courses	Peace Officer Career Opportunities	Complaint Information
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Allegations of Misconduct

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Sheryl Waddick, Standards Coordinator
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About the POST Board

[Federal Law Enforcement Safety Act](#)

[Links](#)

[Rules](#)

[Forms](#)

[Statistics](#)

[Ask a Question](#)

Allegations of Misconduct (complaints)

First, you should have an idea of what specific misconduct the POST Board can address. *Minnesota Rules, Chapter 6700.2000* defines misconduct and *Minnesota Rules, Chapter 6700.2200* addresses the development of written policy and procedures to address citizen allegations of misconduct. All allegation of misconduct must be processed through the local jurisdiction before the POST Board can take action. If it is proven that misconduct that may result in disciplinary action has occurred, the POST Board can only take action against the officer's license. Other disciplinary procedures are done by the local law enforcement agency that employs the officer.

The first step in pursuing an allegation of misconduct is to contact the Chief Law Enforcement Officer (Chief of Police, Sheriff or State Agency Director) and inquire as to the means of filing such an allegation. An individual must make a formal complaint directly to the local agency that employs the officer. By law, the department must have a policy that outlines the process for resolving complaints. Some agencies request a letter, others will ask you to fill out a form or take a recorded deposition. The Chief Law Enforcement Officer (CLEO) or their representative should give you a time frame in which to expect a reply. The CLEO may delay such a reply until the conclusion of any court action regarding the individuals involved in the allegation.

However, if you plan to pursue this complaint with another non-law enforcement agency, no action can be taken by the POST Board due to dual jurisdictions.

You may file an [allegation of misconduct report](#) form with our office. We will forward your form to the appropriate agency CLEO who will respond directly to you after their investigation.



**Minnesota Board
of Peace Officer
Standards and Training**

1600 University Avenue
Suite 200
Saint Paul, MN 55104-3825
(651) 643-3060
Fax (651) 643-3072

COMPLAINANT FORM

Complainant's Name: _____

Complainant's Address: _____

City, State, Zip Code: _____

Telephone Number: _____
(DAYTIME) (EVENING)

Race, Ethnicity, National Origin: _____
(OPTIONAL)

Witness Name: _____

Witness Address: _____

City, State, Zip Code: _____

Witness Name: _____

Witness Address: _____

City, State, Zip Code: _____

Date of Occurrence: _____ Time of Occurrence: _____

Place of Occurrence: _____

Principle Officer: (If unknown, Physical Description) _____

Badge Number: _____ Squad Number: _____

Citation or Case Number: _____

SIGNATURE: _____ **DATE:** _____

Liability

- A supervisor can be subject of a lawsuit.
- The township, city, or county can also be taken to court and be awarded significant damages.
- In the worst cases, the department may become subject to a federal court order.

Failure to Investigate

- Federal Title VII prohibits discrimination by employers on the basis of race, color, religion, sex or national origin
- “Common Law” duty to protect the public
- “Deliberate Indifference”

Public Trust

- Instilling Public Confidence is Key
- Create an open citizen complaint process
- Use complaint forms to record allegations

What Agencies Need

A procedure to accept and investigate complaints that are:

- Complete
- Impartial
- Fact-Finding

That Means Both

Investigators AND Supervisors



Need to be

That Training is Worthless If

The supervisors and investigators are not taught the same principles.

If it contradicts written policy and procedures.

What the supervisors and investigators learn is not consistent with the way the chief law enforcement officer wants the department to accept and investigate complaints.

Guidelines for Accepting Complaints

Do:

- Identify yourself as a supervisor
- Listen patiently
- Ask for factual clarifications
- Focus on the facts of the incident
- Preserve evidence

Guidelines for Accepting Complaints

Do:

- Offer the complainant a copy of the public explanation of the process if you have one
- Explain that the agency is committed to building trust with the community
- Explain that the agency takes complaints seriously and has policies and procedures for handling them

Guidelines for Accepting Complaints

Do:

- Ask the complainant what he or she wants done about his or her concern
 - "What steps do you want to see taken to resolve this situation?"

Guidelines for Accepting Complaints

Do:

- If requested, give the person a complaint form
- Offer assistance to complete the form
- Begin Sorting

Guidelines for Accepting Complaints

Do Not:

- Become part of the problem by taking sides
- React to the emotional state of the complainant
- Refuse to provide a complaint investigation form

Guidelines for Accepting Complaints

Do Not:

- Make promises
- Ask leading questions
- Argue or question aspects of the story
- Dismiss the matter out of hand

Document the Concern/Complaint

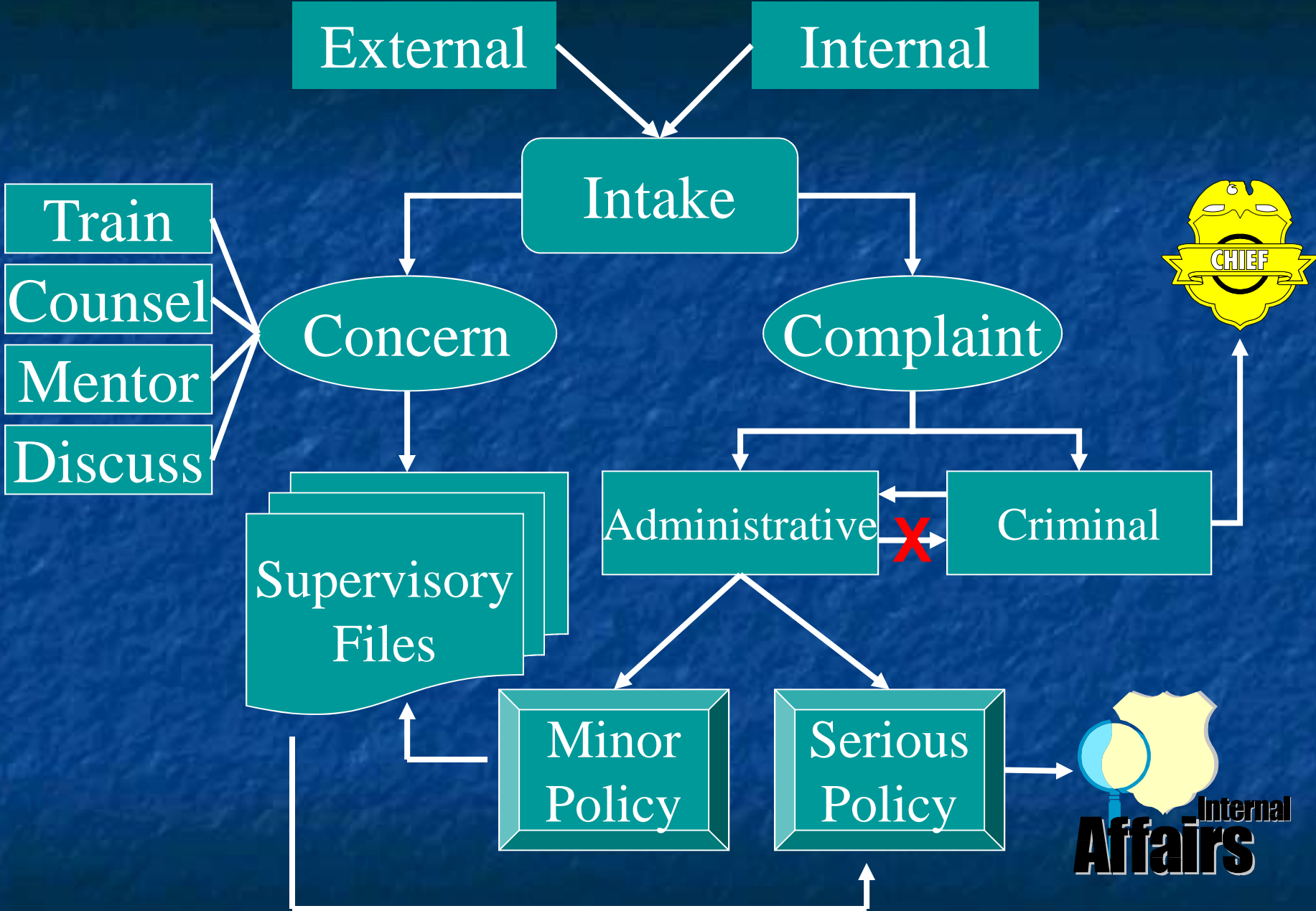
If resolved at your level take the appropriate action. If not:

- Initial Complaint Form
- Observations and notes regarding the contact
- Make proper notifications

Sorting

Is about agency integrity:

- It allows agencies to focus its resources on those matters that need to be investigated by internal affairs
- It also allows agencies the means to identify instances where supervisory action needs to be taken



IA – Internal Affairs

Complaint Investigation

Eight Steps to a Complaint Investigation:

1. Assessment

- Determine if facts alleged require formal investigation
- Complainant and Officer notified of decision

2. Assignment to Investigator

3. Determine if suspension with pay is warranted

4. Investigator contacts complainant

IA – Internal Affairs

Complaint Investigation

5. Investigator conducts a thorough investigation of all allegations contained in complaint
6. All agency members shall cooperate with the investigation; the investigation shall comply with MSS 626.89
7. Investigator shall prepare a report containing all relevant information
8. Investigation shall be completed in 30 days unless CLEO grants an extension

IA – Internal Affairs Review and Disposition

Investigator shall submit the report, case file and all investigative notes to the CLEO.

The CLEO will decide:

- Unfounded
- Exonerated
- Not Sustained
- Sustained
- Policy Failure

IA – Internal Affairs Review and Disposition

If the complaint is “Sustained” the CLEO shall:

- Issue finding of facts including a summary of acts constituting misconduct and the specific statutes, policies and procedures violated
- Written notification that allegation has been sustained
- Pre-disciplinary hearing – Loudermill

IA – Internal Affairs Review and Disposition

“Sustained” disposition is final:

- Discipline issued
 - DOR, Written Reprimand, Suspension, demotion and discharge
- The officer may appeal the disposition

If the complaint is final and there is no discipline:

- Data is still private
- Notify the complainant of the disposition
- Complainant is only allowed to receive the final disposition, not details of why
- "Yes, the investigation is complete and it did not result in disciplinary action"

No matter the outcome, the following information is public:

- A complaint was made
- Who made the complaint
- If the investigation is active or complete
- If the investigation resulted in discipline
- When in doubt, don't give it out

Complaint Investigation

Need to know

- Department IA Policy
- Union Contracts/labor agreements
- MSS 626.89
- Statements -Garrity/Tennessen Advisory
- Data Practices

Contact Information

Lieutenant Mike Flaherty
Richfield Police Department
6700 Portland Avenue South
Richfield, MN 55423
612-861-9830
mflaherty@cityofrichfield.org

Training Opportunities

Upper Midwest Community Policing Institute

www.umcpi.org

2 Day Complaint Investigator Course
1 Day Supervisor & Complaints Course