

GENERAL ORDER, ADMINISTRATION, NUMBER 3
APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Citizen Complaints

B. PURPOSE:

To establish a standardized procedure for citizens and/or other persons, to lodge an official complaint against an employee of the Department or an element of the Department and to insure the disposition of same.

C. POLICY:

It is the policy of the Department to accept a complaint(s) from citizens of the community or other person, to completely investigate the same and take appropriate action. When receiving any complaint, employees shall comply with the following procedures.

D. PROCEDURES:

1. Complaints

- a. All complaints, including anonymous complaints against an employee or the Department, shall be recorded as soon as possible by the person receiving complaint.
- b. A citizen requesting to file a complaint shall be referred to a supervisor or the Internal Affairs Unit (IAU), whichever is the most appropriate under the circumstance.
 1. If a supervisor or Internal Affairs Unit is not immediately available, the citizen's name, address, phone number and nature of the complaint shall be obtained.
 2. The aforementioned information shall be furnished to the supervisor as soon as possible.
 3. The supervisor or Internal Affairs Unit shall contact the citizen desiring to file a complaint as soon as possible.
- c. A citizen may:
 1. File a complaint with a supervisor.
 2. Acquire a Complaint Form and return it at a later time.
 3. Return a Complaint Form by mail.
 4. Have a complaint filed by another on their behalf.

5. File a complaint with Internal Affairs Unit.
 - d. The supervisor receiving the complaint shall forward one copy to Internal Affairs.
 - e. Anonymous complaints will be accepted and investigated to the fullest extent possible based upon the available information.
 - f. Any employee complained against shall be notified as soon as possible by whoever is conducting the investigation, unless such notification is deemed to frustrate or jeopardize the investigation.
 1. Such notification shall be made prior to any interview with the employee(s) complained against.
 2. Supervisor's Actions:
 - a. The immediate supervisor of the employee complained against shall, as soon as practicable, begin a preliminary investigation into the allegations stated in the complaint. If the complaint falls in one of the following categories, the investigation shall be conducted by Internal Affairs Unit.
 1. Brutality.
 2. Employee(s) involved in shooting.
 3. Criminal Act (Felony).
 4. Involvement of employees from more than one Unit, Division, Section, Watch.
 5. Death involving an employee.
 6. By order of the Chief of Police.
 - b. Emergency Suspension:
 1. The employee may be placed on leave with pay by the ranking, on duty Commander, if the act complained of is any of the following:
 - a. Brutality.
 - b. Involves actual or threatened physical mistreatment of another.
 - c. The accused person has been consuming alcohol.
 - d. The accused person being under the influence of drugs.

remain on leave with pay for a period longer than forty-eight (48) hours without the authorization of the Chief of Police.

- c. The supervisor's commanding officer or Internal Affairs may order the supervisor conducting the investigation to stop an investigation at any time. Internal Affairs shall then assume the investigation.
- d. The immediate supervisor shall not take any preliminary investigative action that might jeopardize a simultaneous or subsequent investigation. The preliminary investigation by the immediate supervisor shall be limited to:
 - 1. Questioning employees under the immediate supervisor's direct supervision.
 - 2. Questioning witnesses and complainants who are immediately available.
 - 3. Gathering evidence that may be lost if not secured immediately.
- e. The immediate supervisor shall forward to the Division Commander the following:
 - 1. A report of the alleged violation.
 - 2. All documents relating to the investigation.
 - 3. Recommendations for one of the following findings:
 - a. Unfounded (allegation is false or not factual).
 - b. Not sustained (insufficient evidence either to prove or disprove the allegation).
 - c. Exonerated (incident occurred but was lawful and proper).
 - d. Sustained (allegation is supported by sufficient evidence).
 - 4. If the finding is sustained, recommend charges and corrective or disciplinary action shall accompany the finding on the department charges and disciplinary action form.

3. Command Action:

- a. The Division Commander or designee shall review the case. If the Commander believes that further investigation is necessary, the Commander shall proceed with a complete investigation or request the assistance of Internal Affairs to conduct the investigation.
- b. At the conclusion of the investigation, the Division Commander or designee shall, on the basis of the evidence, make a finding of unfounded, not sustained, exonerated or sustained. If the finding is sustained, recommend charges, corrective or disciplinary action shall accompany the finding.

4. Internal Investigations:

- a. Internal Affairs Unit shall act on behalf of the Chief in carrying out any internal Department investigations and for overseeing internal investigations by Division Commanders. Internal Affairs Unit may assume control of or supplement any internal investigation at any time.

5. Internal Investigation - Administrative:

- a. Any employee who is the subject of an administrative internal investigation shall be afforded all rights and protection provided by law, Department Rules and Regulations and Labor Contract Agreement.
- b. Internal Affairs Unit or the person who conducts an internal investigation can order any employee to cooperate in such an investigation. In addition to any other methods, the investigator may utilize the following investigative procedures when appropriate.

- 1. An employee may be ordered to appear before the investigator at a reasonable time and place to submit to questioning or other investigation.
- 2. In an interview of an employee, the questions shall be narrowly and directly related to the matter under investigation.
- 3. If a criminal prosecution is contemplated against an employee who is to be interviewed by an investigator, the investigator shall:

- a. Cite the Miranda Warning.

- b. Allow the employee to have legal counsel present.
 - c. Allow other representative to be present at the discretion of the employee.
 - 4. If no criminal prosecution is contemplated, the employee can be ordered to respond to questions.
 - a. Counsel or other representative for the employee may be present at the discretion of the employee.
 - 5. An employee can at any time be ordered to submit to a lineup, breath test, voiceprint, handwriting examination or other non-testimonial evidence test.
 - 6. An employee's personal property shall not be subjected to search or seizure without probable cause and a warrant where required by law.
 - 7. Department property may be searched even if assigned to or used exclusively by a single employee.
 - 8. Department communications equipment may be monitored under conditions permitted by law.
- 6. Internal Investigation - Criminal:
 - a. Any employee who is the subject of a criminal internal investigation shall be afforded all rights and protection provided by law, Department Rules and Regulations and Labor Contract Agreement.
 - b. Internal Affairs Unit may recommend to the Chief that a case be referred to the County Attorney for criminal charges when evidence indicates a criminal act has occurred.
- 7. Civil Actions Against Employees:
 - a. In civil actions, it is essential to enter an appearance within twenty (20) days of service of the notice. Failure to do so may result in entry of judgment for the plaintiff. The twenty (20) day period begins when the notice is served.
 - b. When an employee is served with documents concerning a civil suit, he or she shall record on the document the exact date and time of service and immediately take the

documents to the Internal Affairs Unit. Internal Affairs employee(s) shall take the documents to the City Legal Department for filing of necessary appearances.

8. Criminal Misconduct by Others:
 - a. Whenever an internal investigation yields evidence of possible criminal misconduct by persons other than employees of the Department, the investigator shall immediately notify the Chief, who shall take whatever action deemed appropriate.

By order of:

Thomas J. Jennings
Chief of Police