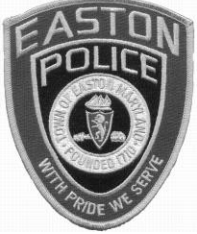


**EASTON POLICE DEPARTMENT  
ADMINISTRATIVE ORDER  
CHAPTER 5: COUNSELING AND DISCIPLINE**

	Title: <b>Processing Complaints</b>		Number: <b>05-4</b>
	Effective: <b>December 29, 2011</b>	Revised: Oct. 1, 2016	General Order <b>#16-008</b>
	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amends	Notes: Replaces Administrative Manual Chapter 5-4.0 (12-11)	
Authority: _____ <div style="text-align: center;">Chief of Police</div>			Total Pages: <b>4</b>

**5-4.0 PURPOSE**

The purpose of this General Order is to establish procedures for processing complaints against department members.

**5-4.1 DEFINITIONS/ABBREVIATIONS**

ADP	Alternative Disciplinary Process
LEOBR	Law Enforcement Officers Bill of Rights

**5-4.2 FORMS**

Form 23	How to Make a Formal Complaint
Form 24	Complaint Against Personnel
Form 24A	Complaint of Brutality
Form 25	Notice of Receipt of Complaint
Form 29	Complaint Withdrawal
Form 103	Confidential Memorandum

**5-4.3 POLICY**

1. The Chief of Police establishes rules, regulations and procedures necessary to ensure competent and efficient management of the Easton Police Department.
2. Administrative charges may be lodged against:
  - a. A member for acts of omission or commission, regardless of duty status.
  - b. Any member, whether in a paid or volunteer capacity, for:
    - 1) Violations of the Department's Rules, Regulations, or Policies and Procedures.
    - 2) Violations of any federal, state, or local laws.
    - 3) Conduct detrimental to the good order, efficiency, or discipline of the Department.
3. Departmental disciplinary procedures shall be applied to all sworn Department members in conformance with the LEOBR.
4. All complaints will be reviewed by the accused member's commander to:
  - a. Determine the nature of the allegation.

- b. Determine if an investigation is warranted.
  - c. Inform all complainants of the case status and disposition.
  - d. Ensure all complaints and dispositions are reported to the Deputy Chief of Police.
5. All records and documents related to disciplinary procedures shall be held strictly confidential.
  6. No member shall attempt to discourage, interfere or delay an individual from making a complaint or subject a complainant or witness to any form of threat or harassment.

#### **5-4.4 COMPLAINTS**

1. A complaint is defined as an allegation that, if proven factual, would constitute misconduct. Exceptions: Differences of opinion between a sworn member and a citizen over the issuance of a traffic citation, parking ticket and/or criminal arrest are not complaints unless the allegation reports misconduct, (i.e. improper demeanor, use of force, etc.)
2. Complaints can be made against the Department or any of its members.
3. A complaint can be made by a citizen against a member in any of the following ways:
  - a. In person.
  - b. In writing.
  - c. By telephone.
  - d. Anonymously, via telephone, mail or in person.
  - e. At any time and location, regardless of where the alleged violation occurred.
4. If a citizen wishes to make a complaint in person, that citizen may be accompanied by another person of their choice while speaking with the Easton Police Department personnel receiving the complaint. The additional person(s) may not, however, accompany the complainant during the interview if they are a witness to the incident from which the complaint arose. Furthermore, if the additional person(s) becomes disruptive or otherwise interferes with the interview, that person(s) shall be excluded from the interview.
5. A sworn statement alleging brutality must be filed by the complainant within 366 days of the alleged act on a Form 24A, Complaint of Brutality.

#### **5-4.5 PROCEDURES FOR RECEIVING AND PROCESSING COMPLAINTS**

1. A complaint may be received by any member at any time. It is preferred that the initial complaint be taken by a supervisor.
2. It is imperative that complainants are met with respect, courtesy and understanding. By projecting a negative attitude towards a complainant, the employee adds aggravation to a citizen that has already, in the citizen's mind, been treated unjustly by the Easton Police Department. A cynical attitude does nothing to further the core values or mission of the Easton Police Department.
3. Members shall:
  - a. Not delay the initiation or documentation of a complaint.
  - b. Refer the complainant to the on-duty shift supervisor. If a supervisor is not immediately available, the member receiving the complaint shall record as much information as possible on a Form 24, Complaint Against Personnel, and forward the information to the on-duty supervisor as soon as possible, who shall determine if an immediate follow-up contact with the complainant is warranted.
  - c. Make every effort to identify the complainant.
  - d. The on-duty supervisor will forward the Form 24 to the commander of the member of whom the complaint is being made.

4. A member wishing to file a complaint on another member will document the complaint on a Form 103, Confidential Memorandum and forward it to the commander of the member involved. The commander:
  - a. Will initiate a Form 24 if formal discipline may be warranted.
  - b. Has the authority to resolve minor complaints or violations (e.g., tardiness, uniform violations, etc.) when formal disciplinary action is unnecessary.
5. If the complainant alleges any injuries or damages, photographs should be taken and medical attention offered, if appropriate.
6. The Internal Affairs Unit, as well as the member's commander, shall be notified as required in Administrative Order 5-2.5.
7. Personnel receiving the complaint will not discuss the nature of the complaint with the involved member or other unauthorized person.
8. If the complainant is only seeking information about the procedures involved in making a complaint, the member shall provide the complainant with a Form 23 and a Form 24.
9. If the complainant is intoxicated or under the influence of alcohol, the complaint will be accepted and the member receiving the complaint will make note of the complainant's condition on a Form 47.
10. Complaints from juveniles will be accepted. As soon as practical, the juvenile's parents should be contacted and advised that a complaint was filed.
11. Failure by a member to record an allegation or properly process it in accordance with provisions of this policy is considered misconduct.

#### **5-4.6 COMMANDERS**

1. Responsibilities:
  - a. Review the Form 24 to determine the seriousness of the complaint.
  - b. Conduct an administrative inquiry to see if the complaint has any factual basis and forward his findings on a separate Form 103 to the Deputy Chief.
  - c. Commanders will assign a supervisor to investigate all complaints being handled at the command level.
2. Discretionary Responsibilities:
  - a. The commander will confer with the Deputy Chief when complaints concern minor complaints or violations such as, but not limited to:
    - 1) Omissions of assigned duties.
    - 2) Minor infractions of Department regulations.
    - 3) Errors in judgment.
    - 4) Matters that can be resolved to the satisfaction of the member's commander.
  - b. Will resolve the matter when the Deputy Chief concurs that no formal disciplinary action is necessary.
  - c. In these situations, commanders will indicate how the matter was resolved on a Form 103, attached to the Form 24, and forward it to the Deputy Chief.
  - d. When the complainant does not want an investigation but merely an explanation, the member's commander will determine whether or not a formal investigation is warranted.

#### **5-4.7 STATEMENT OF INCIDENT - FORM 24**

1. The Form 24 must be typed or legibly handwritten, in ink.
2. Will be signed by the member receiving the complaint and by the complainant.
3. The complainant's refusal to sign, or lack of signature, will not invalidate the complaint.
4. The original Form 24 will be forwarded to the Office of the Deputy Chief. One copy

may be given to the complainant.

**5-4.8 OFFICE OF THE DEPUTY CHIEF**

1. Will assign a case number to all complaints.
2. Will notify the complainant, using the Form 25, the complaint has been received and will be reviewed.
3. Will review all complaints to ensure appropriate action is taken.

**5-4.9 OFFICE OF THE CHIEF OF POLICE**

1. Will notify the complainant when the investigation has been completed.
2. Will, within thirty days of the completion of an internal investigation, notify the member of the investigative findings. It is understood that where an investigation of a charge encompasses multiple charges growing out of the same incident, advisement concerning the outcome may be deferred pending the completion of the entire investigation.

**5-4.10 WITHDRAWAL OF COMPLAINTS**

1. A request by the complainant to withdraw their complaint during the investigation should be made in writing on a Form 29, Complaint Withdrawal, but is not required.
2. The request can be refused however. It is the policy of this Department to continue the investigation as far as possible without the assistance of the complainant.