

PROFESSIONAL STANDARDS

PROFESSIONAL STANDARDS COMPLAINTS

Purpose: The purpose of this policy is to provide a complaint system that provides citizens with a fair and effective avenue for redress of their grievances against departmental members, while protecting members from unfair and untrue accusations.

Policy Statement: It is the policy of the North Little Rock Police Department (NLRPD) to accept and investigate all complaints or allegations of misconduct on the part of any member. In doing so, the department will endeavor to be fair to both the complainant and the member(s) involved. The convenient filing and fair investigation of complaints is critical to protecting the integrity of the department and providing for accountability to the community.

Summary of Changes: 5. Disposition of Complaints: no misconduct established was changed to not sustained, misconduct established was changed to sustained and added closed due to resignation of officer.

Definitions:

Complaint: Any act or alleged act or omission by a member involving misconduct or improper performance.

Inquiry: Complaint which solely questions the statutory validity of an arrest or citation or act performed following departmental policy or statute which **does not** allege misconduct, or wrongdoing on the part of the member.

Procedure:

1. Policy

- 1.1 The department will accept and investigate all complaints of member misconduct or improper job performance from any citizen or departmental member. [CALEA 52.1.1]
- 1.2 Complaints will be accepted from any source, including anonymous sources, juveniles and persons under arrest in police custody. Although some sources of complaints may be difficult to investigate, this agency will carefully review each complaint for validation before disregarding it for lack of a credible complainant.
- 1.3 Complaints will be taken whether in person, by mail or over the telephone. Individuals are encouraged to submit their complaints in person to obtain as complete a report as possible after the incident.
- 1.4 In cases where a complainant cannot file a report in person, a field supervisor may visit the individual at their home, place of business, or any other location, if deemed necessary to complete the report.
- 1.5 While encouraging the filing of legitimate complaints against members as means by which they can be held accountable to the public, the department simultaneously seeks to hold members of the public responsible for the filing of false allegations against department members. In cases of this nature, the complainant will be informed that appropriate legal proceedings, whether criminal or civil, may be instituted by the department.

2. Filing a Complaint

- 2.1 To file a complaint, a citizen needs to contact any NLRPD supervisor, the Professional Standards Unit, or the Office of the Chief of Police.
- 2.2 All complaints will be documented on a NLRPD complaint form.
- 2.3 If the complainant wishes to remain anonymous or refuses to file a written complaint, but the accusation is of serious nature the receiving supervisor will complete a NLRPD complain form.
- 2.4 Supervisors will thoroughly explain the form to the complainant and provide any needed assistance up to including taking a written account of the complainant's statement.
- 2.5 All supervisors of the department are charged with the responsibility of courteously and willingly receiving any complaint that may be lodged against the department or a member.
- 2.6 In the event the identity of the member is known, the complainant should be directed to the member's chain of command if immediately available; otherwise, the complaint will be taken immediately by any on duty supervisor.
- 2.7 Upon receipt of a complaint, from an individual filing the complaint in person, the member taking the complaint will make a copy and give the copy to the complainant. This will serve as a receipt to the complainant.

2.8 All members having personal knowledge of any member involved in misconduct or wrongdoing will report the conduct, in writing, to their immediate supervisor. If the conduct involves a member of the member's chain of command or is of extremely sensitive nature, the report may be filed directly to the Office of the Chief of Police.

3. Inquiries

3.1 Inquiries are procedural questions. Examples include, but not limited to, the following:

3.1.1 A motorist found at fault and issued a citation during an accident investigation;

3.1.2 Concern that a vehicle inventory was an unlawful search.

3.2 Inquiries of this nature should be resolved by providing the citizen with a brief explanation of the department policy or statute that justifies the act performed. Avenues of redress should also be explained.

3.3 Concerns which are deemed to be inquiries do not require supervisory documentation.

4. Complaint Routing/Assignment

4.1 All complaints of excessive force, discrimination, acts of bias, or alleged criminal conduct will be forwarded to the division commander within 24 hours or sooner if seriousness dictates. [CALEA 52.2.1b]

4.1.1 The complaint will then be forwarded to the chief of police on the next business day.

4.1.2 After review, the chief of police may direct an investigation be conducted by the affected division commander, the Investigation Division or the Professional Standards Unit.

4.2 Minor complaints regarding police services will be investigated by a supervisor responsible for the area of complaint. If not resolved to satisfaction of complainant, complaint will be forwarded to the respective division commander. [CALEA 52.2.1a]

4.3 All other complaints received will be documented and forwarded through the chain of command to the members' division commander.

4.3.1 The division commander will assign the complaint to a division supervisor for investigation or forward it to the chief of police with a request for a Professional Standards Unit investigation if the seriousness or complexity of the investigation warrants. [CALEA 52.2.1a, b]

4.4 When a complaint is received for investigation, the Professional Standards Unit will notify the member's unit commander, unless otherwise directed.

5. Disposition of Complaints

5.1 Upon conclusion of the complaint investigation, the investigating supervisor will forward all investigative files or materials through the chain of command for review. Findings will be categorized as follows:

5.1.1 **Withdrawn** - Complaint withdrawn by the complainant.

5.1.2 **Not Sustained** - The evidence is insufficient to clearly prove that the member engaged in the alleged act or conduct and the alleged act or conduct was out of policy.

5.1.3 **Sustained** - The evidence is sufficient to prove the member engaged in the alleged act or conduct and the member conduct was out of policy.

5.1.4 **Unfounded** - The complaint has been investigated and found to be without merit and the investigation can clearly prove the member did not engage in the improper behavior alleged by the complainant.

5.1.5 **Closed due to Resignation** - The member under investigation resigned prior to the investigation/administrative review being completed.

5.2 Should a complaint result in a sustained finding, corrective action will be taken in accordance with departmental policy and procedures.

5.3 A final disposition will be noted on a NLRPD complaint form; and all investigation corrective and related documents will be forwarded to the Professional Standards Unit for filing.

6. Professional Standards Unit

6.1 The Professional Standards Unit will be responsible for recording and tracking all complaints against the members of the department.

6.2 The Professional Standards Unit will be responsible for assigning complaint numbers and maintaining a central index of all complaints which are filed against the department and its members.

6.3 The Professional Standards Unit will enter the complaint information into the complaint tracking system and assign a number.

- 6.4 The Professional Standards Unit will provide the record sheets and case reports for individual members, upon an approved supervisor request. Unit supervisors desiring information contained in the tracking system must be in the member's direct chain of command and have a valid need for the requested information.
- 6.5 The Professional Standards Unit will be responsible for reviewing and analyzing all complaints filed against the department or its members and will forward a report to the Office of the Chief of Police annually identifying any conduct or conditions which may be indicative of but not limited to the following:
- 6.5.1 Need for policy formulation, clarification, or modification;
 - 6.5.2 Need for basic, in service, or remedial training;
 - 6.5.3 Need for closer or improved supervision;
 - 6.5.4 Need for further investigation of the complaint;
 - 6.5.5 Inadequate recruitment or selection procedures; and
 - 6.5.6 Patterns of individual or group misconduct.
- 6.6 All files maintained by the Professional Standards Unit will be considered confidential in nature and will only be released under the specific guidelines for disclosure contained within departmental policy, the Arkansas Freedom of Information Act, or other legal requirement.

Mike Davis
Chief of Police