



POLICE DEPARTMENT COUNTY OF SUFFOLK
 ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
 PDCS-2008a

ORDER NUMBER 07-13
07-25

TYPE DEPARTMENT GENERAL ORDER		AUTHORITY RICHARD DORMER POLICE COMMISSIONER		SIGNATURE	
SUBJECT/TOPIC/TITLE CIVILIAN PROCEDURAL COMPLAINTS					
DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT		DATE ISSUED 03/23/07 04/18/07	DATE EFFECTIVE 03/23/07 04/18/07	DATE TO BE REVIEWED N/A	

RULES AND PROCEDURES

CHAPTER 5: TITLE: INSPECTIONAL CONTROLS

SECTION 9: TITLE: CIVILIAN PROCEDURAL COMPLAINTS

I. PURPOSE

The purpose of the procedural complaint process is to ensure that all members of the Department shall refer any complaints alleging an inadequate or improper Department procedure or policy to their officer in charge without delay.

II. POLICY

It is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against the Department and its operations. Additionally, the Department has the responsibility to examine those operations which if improper or inadequate could discredit or impair the functioning of the agency.

III. DEFINITIONS

Procedural Complaint - Complaints lodged that allege an inadequate or improper Department policy or procedure. Procedural complaints do not allege misconduct on the part of a member of the Department.

IV. REFERENCES

N/A

V. RULES AND REGULATIONS

No member of the Department shall refuse to accept a complaint from a person regarding a Department rule, policy or procedure. If a member is not the appropriate person to process the complaint, the member shall direct the complaint to a suitable member of the Department.

VI. PROCEDURES

A. Complaints Received - All procedural complaints (whether electronic, written, verbal or otherwise) received by members of the Department shall be recorded via the on-line Civilian Complaint Report or manually on form PDCS-1300, Civilian Complaint Report, when the Intranet is unavailable.

1. The On-Line Civilian Complaint Report will be completed on the SCPD Intranet by following the instructions provided under the "Programs menu." The completed on-line Civilian Complaint Report will be forwarded electronically via the Intranet to the Internal Affairs Bureau.

2. A copy of either a printed on-line Civilian Complaint Report or the manually completed PDCS-1300 shall be given to the complainant upon initial completion. Complaints may be filed by a person other than the complainant, providing that the complainant is unable to do so and has designated another person to file the complaint.

- a. If any statements (written, recorded or otherwise) are taken from the complainant, or any other evidence is gathered by the supervisor taking the complaint, the existence of the evidence shall be noted in the complaint report summary and attached to the Complaint Report.

3. All investigations pursuant to this section shall be handled promptly and expeditiously with the expectation of completing most complaint investigations within thirty (30) days.

4. Civilian Complaint records will be maintained in a secure and confidential manner by the Chief of the involved Division and the Internal Affairs Bureau. Additionally, those complaints lodged involving

Department policy or procedure shall be forwarded to the office of the Chief of Department. Statistics compiled from these records will be submitted at the end of each calendar year to the County Executive by the Police Commissioner for review and dissemination to Department members and the public as required.

B. Statistics

1. The statistical data will be broken down to report the type of procedural complaints as follows:

- a. Inadequate policy, rule or procedure.
- b. Improper policy, rule or procedure.

2. The disposition of complaints will be reported as follows:

Invalid: Current policy or procedure was adhered to and is considered appropriate and necessary.

Valid: Facts support review of policy or procedure and shall be forwarded to appropriate department level.

C. Complaint Processing - Procedural complaints alleging improper or inadequate Department policy or procedure shall be accepted at the command level. Preliminary processing shall be accepted at the command level. Preliminary processing of complaints against the Department will be conducted by the Officer in Charge (OIC) and whose responsibilities are as follows:

1. The OIC shall:

- a. Prepare a Complaint Report.
- b. Interview complainant to determine specific nature of complaint.
- c. Explain the specific policy or procedure to the complainant. If after the explanation the complainant is satisfied and the matter is satisfactorily resolved, the Complaint Report can be annotated in the OIC Action Taken portion

"resolved - no further action required."

2. If not resolved, the OIC shall:

- a. Take any necessary statements from the complainant.
- b. Attach any information, statements, photographs, etc. to the Complaint Report.
- c. Advise the complainant that he or she will be contacted by the Commanding Officer or designee of the command involved.
- d. Conduct an investigation for those procedural complaints lodged against the command's policy or procedure. The OIC shall document investigative steps taken, determinations and the recommendations made by the OIC which shall be forwarded to the OIC's Commanding Officer.
- e. Procedural complaints to be investigated that are lodged against divisional or Department policy or procedure shall be forwarded to the appropriate Commanding Officer with all related paperwork.

D. The commanding officer shall be responsible for the following:

1. Be held accountable for the acceptance of all procedural complaints within his command.
2. Review all paperwork and direct a thorough investigation undertaking all efforts possible to assure a resolution to the complaint.
3. Complete and submit a written report to his division chief containing a specific conclusion and recommendation. Should the complaint be made against a particular command policy or procedure, the actual policy or procedure will be identified and its application explained in regard to the complaint.
4. If the commanding officer believes the investigation should be conducted by another command for those complaints lodged against a command or

division level policy or procedure this should be noted in the report to the division chief. In the event the division chief concurs with this recommendation, the commanding officer will notify the complainant advising of such action, giving the name, business phone number, and command of the person who has been assigned to investigate the complaint.

5. Notify the complainant of the outcome of the complaint if it is handled at the command or divisional level or forwarded to the Chief of Department.

E. The division chief shall review and initiate corrective action, when appropriate, on division or command procedure or policy complaints. These procedural complaints and dispositions shall be forwarded to the Chief of Department for his review.

F. Procedural complaints lodged against a Department policy or procedure shall be forwarded to the Chief of Department for his review and investigation as necessary. Department policies and procedures will be researched by the Research and Development Section or other appropriate command.

G. The Police Commissioner shall be notified of complaints against the agency in those cases deemed appropriate by the Chief of Department or a division chief. The primary consideration in referring agency complaints to the Police Commissioner will be the overall functional effectiveness and reputation of the Department.

VII. ACCREDITATION STANDARD REFERENCES

- A. CALEA
- B. NYSLEAP

VIII. INDEX

Complaints Against Agency 5/9
Procedural Complaints 5/9
Civilian Complaints 5/9

END