

## AMHERST POLICE DEPARTMENT

<b>A-38</b>	<b>GENERAL ORDER</b>	
<b>INTERNAL AFFAIRS &amp; CITIZEN COMPLAINTS</b>		

## INTERNAL AFFAIRS / CITIZEN COMPLAINTS

The following policy was implemented to protect the integrity and regulation of the police force, protect the public interest, and protect this department and its members from unjust accusations.

- The Amherst Police Department will investigate all complaints concerning employee misconduct or breach of duty.
- Complaints may be generated internally or externally, and be criminal or non-criminal in nature.
- Complaints will be investigated in a forthright, professional and timely manner. The action taken, based upon the findings of those investigations, will be in the best interest of the department and the community it serves.
- The Chief of Police and/or Assistant Chief of Police shall select a captain from the administrative staff to oversee any personnel complaint filed with the department

### ***Procedure***

- All citizen complaints received by this department, whether originating in person or by phone, will be directed to the headquarters lieutenant or road lieutenant, who will follow the following procedure:
  - Take the complaint in private, regardless if it was received in person or by telephone.
  - Determine if the complaint is to be formal or informal.
  - Complete page one of the Citizen's Complaint form, APD-182.
  - If the complainant declines to speak to the Headquarters Lieutenant, a blank citizen's complaint form (APD-182) can be provided to the complainant.
- The following steps will be taken if the complaint is a crime:
  - Arrange to take a typed statement
  - Complete a police report
- Have the complainant sign the complaint form or the statement. If they refuse to sign, or if the complaint is made by telephone, make a note of the fact at the bottom.
- If the complainant requests a copy of the complaint form, give a copy of the first page to the complainant. A copy of the statement also may be given if requested.
- Advise the complainant that the report will be turned over to the Chief of Police for investigation. Also inform the complainant that they will be notified of the results.
- The headquarters lieutenant will make a blotter entry that states the complainant's name, address and that the complaint is a citizen complaint.
- Notify the duty captain about the complaint.
- All paperwork concerning the complaint will be forwarded to the Chief of Police or his designee without delay.

### ***Complaint Investigation***

- A patrol lieutenant is empowered and authorized to investigate minor infractions and complaints. This may be handled on a platoon level. It must be documented in the supervisor's log and the results of the investigation submitted to the Chief of Police or his designee.
- The responsibility for the investigation of criminal complaints against an employee lies with the Chief of Police, or his designee. The chief or designee will coordinate with the duty captain, the investigation of any non-criminal misconduct of an employee involving or related to the criminal complaint. The Chief of Police will notify and coordinate with the District Attorney's Office in the investigation of the alleged criminal conduct.
- The responsibility for the investigation of non-criminal complaints lies with the unit commander, under the direction of the Chief of Police or his designee.
- Investigation of departmental personnel will be conducted according to civil service rules and regulations.

### ***Complaint Adjudication***

- The final authority and responsibility regarding the result of an investigation and any resulting actions rests with the Chief of Police.
- A complaint may be adjudicated by the following categories:
  - Unfounded- if the allegation is false or not factual.
  - Exonerated- the incident occurred, but was lawful and proper.
  - Not sustained- there is insufficient evidence to prove or disprove the complaint
  - Sustained- the allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- Upon adjudication, the Chief of Police holds the final authority and responsibility for the determination of disciplinary action.

### ***Document Storage***

- The Assistant Chief of Police shall keep and maintain a separate and locked file for the storage of records pertaining to any officer complaint investigation.

### ***Complaint Notification***

- Upon adjudication of a citizen-generated complaint, the complainant will be notified about the results of the investigation.
- The decision to divulge disciplinary action will be at the discretion of the Chief of Police.