

RULE XV.

CITIZEN COMPLAINT PROCEDURE

- Section 1. PURPOSE. The citizen complaint procedure addresses misconduct alleged to have been committed by Fire or Police Department members. The FPC utilizes the Citizen Complaint Intake Investigation Guidelines to receive, evaluate and administer the complaint process. All plausible complaints will be addressed swiftly, consistently and fairly for both complainants and department members. (Rev. XX/XX/XX)
- Section 2. COMPLAINT. A complaint may be initiated by mail, email, telephone, website, or in person. Prior to referral for resolution, the complainant must sign the complaint and affirm that all information in the complaint is true and correct to the best of the complainant's knowledge. Complaints do not require notarization to be accepted and investigated. Investigators accepting complaints shall not discourage the filing of complaints by members of the public or members of the emergency services. (Rev. XX/XX/XX)
- Section 3. INVESTIGATION. FPC staff will conduct an investigation of every complaint received. All complaints will be fully and fairly investigated. The investigation will be conducted in accordance with the FPC Citizen Complaint Intake Investigation Guidelines and applicable department standard operating procedures. Contact with the complainant shall be maintained throughout the investigation and will occur in whatever form of correspondence is most convenient for the complainant, including in person meetings at the FPC's office in City Hall. Unless requested by the complainant, meetings with the investigator shall not take place at any police facility. FPC Investigators will conduct all investigations in an unbiased manner. This includes avoiding hostile questions or applying their own moral judgments related to dress, grooming, income, lifestyle, or known or perceived criminal history of complainants. Investigators shall not give greater weight to officer testimony than to the testimony of complainants, shall write summaries containing established facts rather than judgments, and shall recommend dispositions that are fair, consistent, and justified. (Rev. XX/XX/XX)
- Section 4. REFERRAL. The Executive Director, within ten (10) days after receiving the results of the investigation, will refer the complaint for resolution in accordance with the FPC Citizen Complaint Intake Investigation Guidelines utilizing one of five methods: rapid resolution complaint inquiry, trial, dismissal, mediation, or policy training. (Rev. 6/3/10)
- Section 5. RESOLUTION. Complaints will be resolved by the following methods: (Rev. 7/16/09)
- (a) RAPID RESOLUTION COMPLAINT INQUIRY.

1. A Rapid Resolution Complaint Inquiry (RRCI) is a complaint filed with the FPC and then forwarded to the department for quick resolution. The complainant is questioning the actions of an employee of the Fire or Police Department concerning a matter that does not, on its face, appear to be a violation of a department rule. (Rev. 7/16/09)
 2. The department that receives a RRCI referral will follow its applicable standard operating procedures to resolve the complaint. (Rev. 7/16/09)
 3. The Executive Director will review the completed RRCI. (Rev. 7/16/09)
- (b) TRIAL. Trials will be conducted in accordance with FPC Rule XVI Trial Procedures. (Rev. 7/16/09)
- (c) DISMISSAL. The complainant will be advised in writing of the reason(s) for the dismissal. A complainant may, within thirty (30) days after the date of the notice of dismissal, request in writing that the dismissal be reviewed by the Board. (Rev. 7/16/09)
- (d) MEDIATION. Mediation is the process in which both the complainant and employee agree to resolve a complaint with the assistance of a neutral mediator. Information disclosed during a mediation session is confidential and cannot be used in any subsequent proceeding. When making a referral to mediation, the Executive Director will consider whether mediation is likely to result in greater complainant satisfaction; improve citizen understanding of department procedures and actions; result in improved employee conduct; or contribute to increased community relations. Normally a complaint will not be referred to mediation if the case involves an allegation of criminal conduct against an employee, use of force involving bodily injury, or if the employee is a witness against the complainant in a court proceeding. (Rev. 7/16/09)

Procedure:

1. Complaint is received by an FPC investigator, and a complaint number is assigned. (Rev. 7/16/09)
2. The FPC investigator conducts an initial review and forwards to the Executive Director. (Rev. 7/16/09)
3. The Executive Director makes the determination to refer the

complaint to the mediation resolution process. (Rev. 7/16/09)

4. Complainant and employee(s) are contacted and confirm they are willing to participate in the mediation process. (Rev. 7/16/09)
5. Complaint is scheduled for mediation conducted by mediator. (Rev. 7/16/09)
6. Mediation session is conducted at a neutral location. (Rev. 7/16/09)
7. Complainant and employee(s) acknowledge resolution of the complaint, or the mediator certifies that the employee participated in the mediation session. (Rev. 7/16/09)
8. Complaint is dismissed. (Rev. 7/16/09)

- (e) **POLICY TRAINING.** The Executive Director may require a member to participate satisfactorily in a specified policy training program. (Rev. 6/3/10)

Section 6. **COMPLAINTS FILED WITH THE FIRE OR POLICE DEPARTMENT.** The Executive Director shall audit internal Police and Fire Department investigations. The Executive Director shall review a complaint investigation when a citizen is dissatisfied with the outcome of an investigation that has been completed by the Police or Fire Department. (Rev. 7/16/09)

Section 7. TRACKING. All complaints are tracked by the FPC investigator and reviewed on an ongoing basis to determine whether certain thresholds are reached. When a member receives 3 complaints within a 90-day period the investigator is required to alert the Executive Director. When a member receives 3 or more complaints over a rolling one-year period, a recommendation to the Early Intervention Program is required, in accordance with SOP 450 – Personnel Investigations.

- (a) When this threshold is reached, the investigator shall immediately notify the Executive Director of:
 1. The threshold reached
 2. The member's name and PeopleSoft number
 3. The nature of the complaints
- (b) The Investigator shall complete a Fire and Police Commission EIP Referral and provide a copy to the Executive Director
- (c) The Executive Director shall then notify the Chief, in writing, that the threshold has been met within five (5) business days
- (d) Investigators shall, within seven (7) days of the Chief being notified, contact the Early Intervention Program Coordinator to ensure referral was initiated and document this response.
 1. If the referral has not been made, investigators shall immediately notify the Executive Director for follow-up with the Chief

(Rev. XX/XX/XX)

