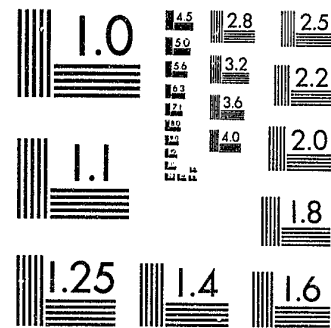


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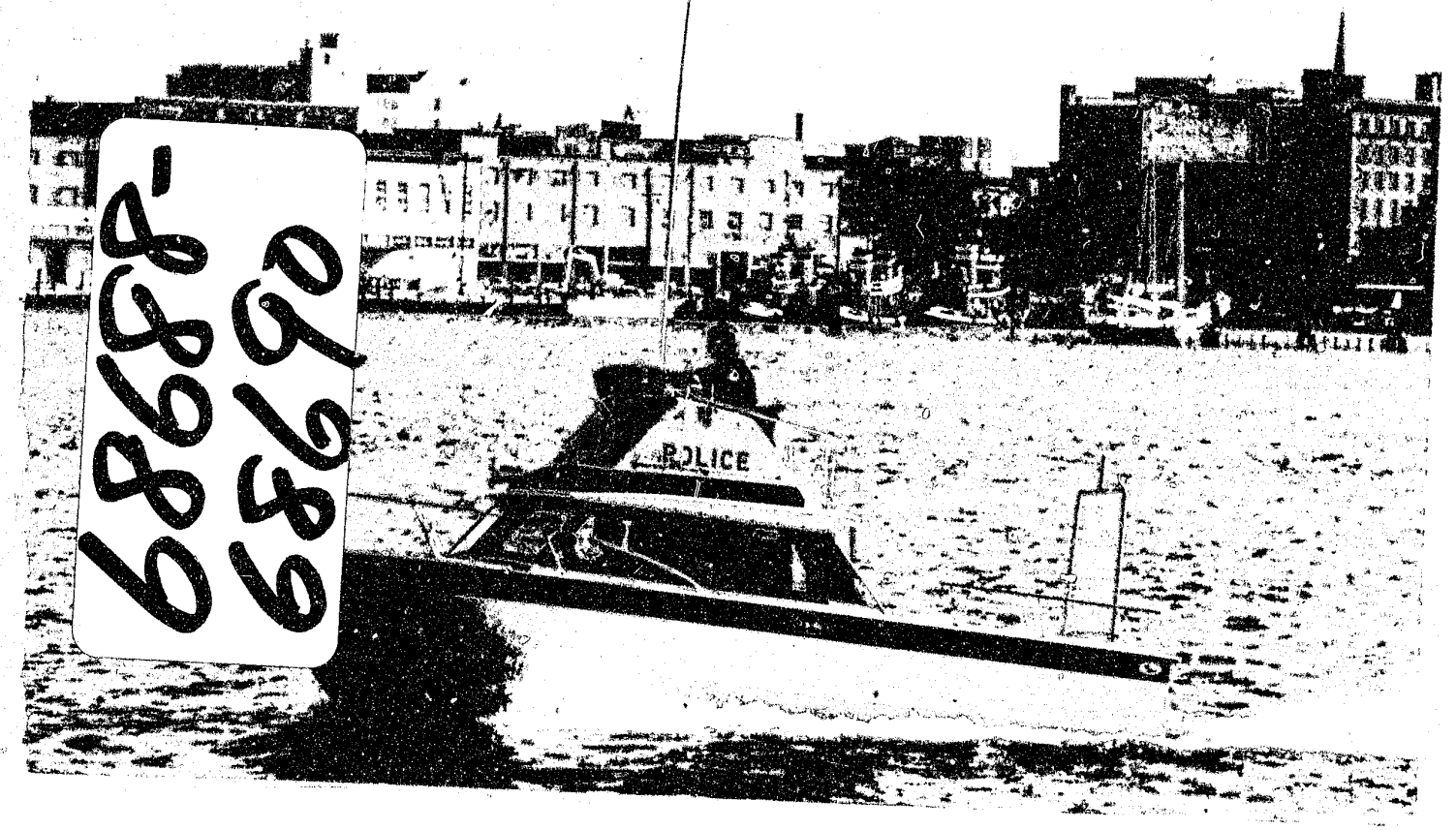
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FBI



Federal Bureau of Investigation
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William H. Webster, Director

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Police Conduct

A Procedural Model for Processing Citizen Complaints

By LT. DOROTHY D. KNOX
Police Department
Detroit, Mich.

In order to develop and maintain the confidence of the public, a police agency should be responsive to the citizens it serves. One way of doing this is to develop and maintain an open and effective procedure for investigating citizens' grievances filed against police officers during the performance of their duties.

Most police agencies have devised methods for processing citizen complaints; however, these methods are frequently viewed with suspicion by both the police officer and the public. The officer is leery of being made an example of by the administration, while citizens often allege that police investigators tend to coverup or "whitewash" the actions of police officers.

The nature of police work makes it vulnerable to complaints, both real and imagined. Police work is unlike any other vocation in a number of ways, all of which contribute to the problem of misconduct and the frequency of complaints:

"Police service is one of the few occupations in which a substantial part of the clientele does not appreciate the service, and the police are sometimes asked by others to ignore violations of the law for one reason or another.

Most police officers are conspicuous in attire and in their vehicles, making their actions, both good and bad, more noticeable.

Enforcement of the law often creates resentment, which sometimes becomes vindictive and personal.

Police officers are exposed to temptations not often found in other forms of work.

Officers in the field usually work without direct supervision, a fact that creates additional opportunity for misconduct.

The public tends to be more critical of the police, who are expected to exhibit a higher level of conduct and behavior than others. When they do not exhibit this higher degree of good conduct, complaints are generated.

The nature of the work occasionally attracts persons who have antisocial or brutal tendencies.

Emotion-charged situations are frequently encountered during police contacts such as arrests and interviews at crime scenes. The emotion can obscure the reason and judgment of both police officers and citizens."

Thus, while full and fair investigations must be provided, proper safeguards must also be taken against unwarranted complaints.

When it is believed that a false complaint is being reported, the citizen should be advised of the consequences of making such a charge. When the complaint is lodged in person, the citizen should sign the complaint statement as being factual.

Complaints should be fully investigated and reported on promptly, with both the citizen and involved police officer being promptly notified of the disposition. The success of any system of internal investigation by police personnel depends upon the honesty of the investigators and their ability to ferret out and report the truth, however unpalatable that may be, and for the administration to take whatever disciplinary or training action is required.

Police administrators should realize that burying complaints and/or investigations, depending solely upon the initiative of the complainant, or failing to take disciplinary or corrective action when necessary will ultimately lead to the type of situation the administration seeks to avoid—the loss of public confidence and low police morale.

In the past, there had been considerable sentiment expressed by persons outside law enforcement to establish civilian review boards to investigate or adjudicate allegations against the police. Undoubtedly, one of the reasons for this has been the tendency of the police to avoid making fair and vigorous investigations of alleged wrongdoings within its own ranks. What has been described as the "blue curtain" has all too often been drawn over police misconduct. There are numerous reasons for this, among them the feeling by the police that they are vilified by a growing segment of the public and therefore must band together for self-protection. Additionally, some misguided administrators believe that conducting vigorous internal investigations is tantamount to admitting failure; the opposite is probably closer to the truth.

This article suggests a model procedure for the receipt, assignment, and investigation of citizen complaints. This procedure is, perhaps, best implemented in a relatively large department where a unit for handling citizen complaints has already been established.

First, a citizen complaint report (CCR) form must be designed to standardize reporting. The form can be preprinted with spaces at the top for routine identification information regarding the complainant, witnesses, officers involved, date and time of inci-

"The nature of police work makes it vulnerable to complaints, both real and imagined."

dent, etc., and room at the bottom for a brief statement of the complaint. In addition, the forms can be prenumbered to assist in establishing an accounting system. A multiple-copy form would be ideal.

When a written citizen complaint report is made, the complainant is given a copy of the complaint and has the opportunity to review the complaint statement before signing it. The complainant should then be advised that he will be contacted by an investigator in a few days and will perhaps be asked to provide additional information.

Citizens making complaints are referred to the complaint unit where grievances may be reported in person, by telephone, or by letter. All citizen complaint report forms are kept at the unit. In larger agencies, consideration should be given to providing CCR forms to the various precincts so that



Lieutenant Knox



William L. Hart
Chief of Police

citizens may report grievances to supervisors there. Ultimate control of the numbered complaint forms should remain the responsibility of the citizen complaint unit. Complaints on the numbered form, wherever taken, should be immediately forwarded to the complaint unit for logging and assignment to investigators. Two log books, one alphabetical and one numerical, should be maintained at the citizen complaint unit for easy access and recall of any complaint.

If, for any reason, a citizen complaint report form is rendered unusable (i.e. torn, spoiled, soiled) it should be marked "VOID" and forwarded to the citizen complaint unit. A report should not, for any reason, be discarded. The citizen complaint unit should then void the report in its log book and file it for future reference. Quarterly and annual audits of the numbered forms should be made in order to maintain the integrity of the accounting system.

Generally, complaints should be assigned to the command of the officer(s) against whom the complaint is made. This commanding officer then assigns the complaint to a supervisor for investigation. Complaints involving unknown or more than one command, those originating from an attorney, and those of a sensitive or controversial nature should be retained at the citizen complaint unit for investigation.

When the case is assigned to a command other than the citizen complaint unit, the commanding officer should designate one or more officers, sergeant or above, to conduct the investigation. Under no circumstances should the officer against whom the complaint is made be assigned to con-

duct the investigation. The lowest ranking officer assigned to the investigation of the complaint should be superior in rank to the highest ranking officer against whom an allegation of misconduct is made. When the case is assigned for investigation at the citizen complaint unit, where investigators are generally all sergeants, the rule regarding rank will not apply, except when ordering statements. Of course, only a superior officer can order another officer to make an oral or written statement.

"... while full and fair investigations must be provided, proper safeguards must also be taken against unwarranted complaints."

The complaint should be investigated by supervisory personnel, who gather evidence and conduct interviews of all persons known to be involved, including police officers of all ranks. Throughout the investigative process, the investigator should maintain periodic contact with the citizen complainant.

The supervisor assigned to investigate a citizen complaint should try to complete the investigation, including the written report, within 20 to 30 days of the date of the complaint. If the investigation has not been completed by the 30th day, the officer assigned to the investigation should notify through channels the commanding officer of the citizen complaint unit of the reason for the delay and expected date of completion. This notification can be made on an interoffice memorandum.

While conducting investigations, personnel of the citizen complaint unit should have access to all agency records. If a commanding officer believes any part of his records is so sensitive that such access would be improper, he should immediately appeal the investigator's request to the chief of police or commissioner.

The officer conducting the citizen complaint investigation should report the results in writing to the commanding officer of the command conducting the investigation. The report should be accompanied by the original citizen complaint report and any other documents relevant to the investigation.

The disposition of a citizen complaint is the responsibility of the commanding officer of the command that conducts the investigation. The officer responsible for the disposition of the case should study the citizen complaint report, the investigator's report, and any other relevant documents or evidence in order to determine what actually happened. He should make every effort to reconstruct a complete account of the incident giving rise to the complaint. Based on the information at hand, he should reach a factual conclusion regarding the incident.

Upon finding impropriety on the part of a department member, a report of the alleged misconduct should be prepared, along with a draft of the charges, including the citation of the rule or regulation that was violated. The misconduct report and charge sheet are then referred through official channels to the chief of police, police commissioner, or to the person or command designated by him for the adjudication of the matter. In some large police agencies a disciplinary administrative unit exists for the orderly processing of all discipline cases, including trial boards, chief's hearings, appeals of terminal probationary evaluations, etc.

Separating the factfinding (investigation) unit and the adjudicative unit is desirable to provide greater credibility to the system. One person or unit should not be the judge, jury, and executioner, per se. Of course, when a particular command conducts an in-

vestigation of its own officers, this separation of function is less apparent. It does exist, however, to a certain extent in that the supervisor who conducts the investigation is responsible for reporting his findings to the commanding officer for approval and adjudication. The commanding officer should decide what action, if any, is appropriate in light of his factual conclusions and existing policy. If he decides that taking no action is appropriate, it should be so stated in the disposition report. If he concludes that action is appropriate and it is within his authority to take such action, he should immediately do so. An explanation of the action taken should be included in the disposition report. If he concludes that action beyond his realm of authority is appropriate, he should, before submitting the disposition report:

- 1) Recommend the action to the appropriate authority,
- 2) State in the disposition report that he has made such a recommendation, and
- 3) Attach a copy of the correspondence containing the recommendation to the disposition report.

Disciplinary options include reinstruction, retraining, written reprimand, formal disciplinary proceedings, and change or refinement in department rules, regulations, procedures, or training.

The disposition report should include the conclusions of facts, the conclusions reached by applying rules and policy to the facts, and a statement of action being taken or recommended. The commanding officer should also state any mitigating circumstances, such as unclear or poorly communicated department policy, inadequate training, or lack of effective supervision.

The commanding officer has the responsibility of insuring that the complainant is notified of the disposition of the case. He is also responsible for notifying each officer involved in the complaint of the disposition insofar as it affects or applies to that member.

Upon completion of the investigation and notifications, all copies of the citizen complaint report, the investigator's report, the original and one copy of the disposition report, and all other documents relevant to the complaint are forwarded to the citizen complaint

unit for review, closure, logging, and filing. Prior to filing, notations should be made on officer contact cards, which are centralized at the citizen complaint unit.

Total processing of a citizen complaint should be completed within 45 days, unless there are unusual circumstances.

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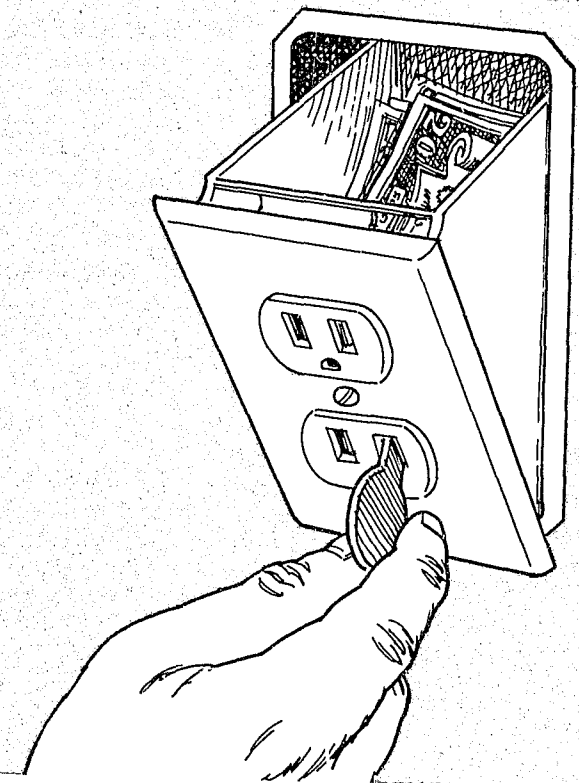
Footnote

¹O. W. Wilson and Roy Clinton McLaren, *Police Administration*, 4th ed. (New York, N.Y.: McGraw-Hill, 1977), p. 212.

Outlet Storage Compartment

This device, advertised in magazines, looks like an electrical outlet that opens to allow for the storage of valuables. The "outlet" can be locked with a key and made to appear authentic when a lamp is plugged into it. However, law enforcement authorities should be aware that such a device could also be used to store illegal items, such as narcotics.

FBI



END