



MISSOULA POLICE DEPARTMENT POLICY MANUAL

<i>Subject:</i> INQUIRIES AND COMPLAINTS AGAINST EMPLOYEES		
<i>Effective Date:</i> 6/8/2017	<i>Original Date:</i> 11/02/2001	<i>Next Review:</i> 6/8/2019
<i>Chapter</i> 3	<i>Policy #</i> 3.40	<i>Distribution:</i>
<i>References:</i> <i>Citizen Complaint Procedure & Form; Internal Investigations; Office of Professional Standards; City of Missoula Personnel Policy Manual;</i>		

I. PURPOSE:

The purpose of this policy is to provide a means to efficiently receive and document all inquiries and complaints directed towards individual (officers and civilian) employees and the organization as an entity. The purpose of this section is to

- Answer all inquiries,
- Resolve all complaints,
- Establish a fair and consistent method for handling complaints, and
- Maintain proper records of complaints.

We formally handle inquiries and investigate complaints for these reasons:

- To protect citizens from actual misconduct by a Missoula Police Department employee;
- To protect the department and those employees who conduct themselves appropriately;
- To identify policies and procedures that may need review or change, and to find ways to improve the quality of service to the community.

II. POLICY

The Missoula Police Department takes citizens' concerns seriously. We believe the public is entitled to efficient, fair and impartial service. We investigate all allegations of employee misconduct, respond to all inquiries about employee actions or department policy and document all commendations received from the public.

III. PROCEDURES:

These procedures outline the manner in which inquiries and complaints against department personnel by anyone outside the department will be handled in their entirety. Inquiries range from questioning a procedure to minor dissatisfaction with personnel conduct. Complaints range from dissatisfaction with personnel conduct, policies or procedures to criminal misconduct of personnel. These procedures are applicable to all employees of the Missoula Police Department.

A. INQUIRY GUIDELINES:

1. All persons contacting the department for the purpose of inquiries will be treated with courtesy and respect.
2. Inquiries can be handled by department personnel at any level but should be referred to the Shift Commander if unable to answer the inquiry to the satisfaction of the inquiring party.
3. If an inquiry is answered to the satisfaction of the inquiring party, the matter shall be considered closed.
4. If a Shift Commander is unable to satisfy the inquiring party, the matter shall be deemed a complaint and complaint procedures should be instituted.

B. COMPLAINT GUIDELINES:

1. All persons making complaints against a member of the Missoula Police Department shall be treated with courtesy and respect.
2. Preferably, all complaints will be received in writing, upon a form provided by the Police Department for consistency and accountability. This form will be distributed and explained to the complaining party by the on-duty Shift Commander or civilian supervisor, if applicable.
3. All complaints are **confidential**. Supervisory and non-supervisory personnel who receive complaints against personnel will treat the information with the utmost confidentiality.
4. Personnel who are subjects of complaints, no matter how minor, will be advised as soon as appropriate given the nature of the complaint and what steps are being (were) taken toward resolution and the conclusion.
5. Complaints received by the Shift Commander or appropriate supervisor will be handled as follows:
 - a. Advise complaining party of the need to submit their complaint on the department complaint form and that a rated officer will be re-contacting them as part of our follow-up procedure.
 - b. If the receiving officer is a non-rated officer, he/she will pass on the written complaint information to the next rated officer.
 - c. Rated officers receiving written complaints will immediately notify the department Staff members.

- d. Only a rated officer will advise the officer of the complaint against him/her.

6. Upon resolution of each complaint, the Assistant Chief of Police will draft a letter of notification to the complainant, advising the finding of the complaint. No mention shall be made to the specific discipline imposed (if any) due to employee confidentiality requirements. The letter shall mention the automatic review of the finding by the Police Commission on behalf of the Mayor.

7. Persons who wish to file their complaint outside the Police Department should be referred to the Mayor's Office.

8. Referrals to the Mayor's Office will be made only when the complaining party requests an alternate avenue, not as a matter of course.

9. The Missoula Police Commission, on behalf of the Mayor, will review all complaints and their resolutions quarterly in accordance with the Complaint Review Policy.

MINOR COMPLAINTS:

Any complaint will be investigated by a rated officer or the appropriate civilian supervisor. If the first or second level supervisor (Sgt. or Lt.) can resolve the complaint to the satisfaction of the complaining party, the matter doesn't need any further investigation.

Summary of complaint and manner of resolution will be completed on the complaint form and forwarded to the Assistant Chief within fourteen (14) days. Permission must be sought from the Chief or Assistant Chief to extend that time limit.

If the rated supervisor cannot resolve the complaint to the satisfaction of the complaining party, confer with Division Captain for guidance and assistance.

MAJOR COMPLAINTS:

Any complaint with possibility of punitive action more extreme than a counseling session will be investigated by a rated officer who shall confer with the Division Captain before proceeding further to ensure that all actions taken are in accordance with City of Missoula and Department Policies and collective bargaining agreements.

CRIMINAL COMPLAINTS:

If the Receiving Officer has reason to believe any complaint deals with possible criminal activity, the information will be passed through the chain of Command to the Division Captain as soon as possible. Criminal allegations may be investigated by an outside agency.

INQUIRIES AND COMPLAINTS RECEIVED BY STAFF OFFICERS:

Many people request an audience with the Chief (in his absence, the next highest rank); as a result many complaints are received by a Staff level officer. When that happens, they will:

Attempt to immediately answer any inquiries. If a complaint can't be resolved immediately, the complaint process will be implemented in the same manner as above and assigned to a Lieutenant for investigation.

★ Staff Officers will adhere to the chain of command in contacting subordinate officers regarding complaints.

RESOLUTION

All complaints will be resolved in one of following ways:

EXONERATED - The acts that formed the basis for the complaint or allegation did occur, but were justified, lawful, and proper according to departmental policy or standard operating procedures.

NOT SUSTAINED - The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.

SUSTAINED - The investigation disclosed a preponderance of evidence to prove the allegation(s) made.

UNFOUNDED - The investigation conclusively proved that the act or acts complained of did not occur. This finding also applies when individual officer(s) or employee(s) named were not involved in the act or in acts which may have occurred, or when the acts were committed or possibly committed by persons other than Missoula Police officers or employees.

NO FINDING - The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wishes to withdraw the complaint or the complainant is no longer available for clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the officer(s) or employee(s) involved.

INQUIRY - If during the investigation, it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an Inquiry.

FORMAT

The Missoula Police Department Complaint form will be used for all documentation of complaint intake and resolutions. The Department MEMO form will be used to document the investigation. Department letterhead shall be used to draft the final letter to the complainant.