



### **143.0 COMPLAINTS AGAINST POLICE DEPARTMENT EMPLOYEES (Revised 10/04) (Revised 9/05) (Revised 10/08)**

Each complaint or allegation of misconduct by an employee of the Oklahoma City Police Department, whether from a private citizen or from another employee, will be fully investigated and the results will be reported to both the complainant and the accused employee. When no disposition has been reached within 90 days, the complainant will be notified and provided an update. The update should be documented in writing and the status of the investigation will be reviewed every 90 days.

Employees receiving a complaint will refer the complaint to the affected employee's supervisor. If a satisfactory disposition cannot be immediately reached with the complaining party the supervisor will refer the complainant along with a report of the details of the complaint to the Division Commander of the employee(s) against whom the allegation is made, or if appropriate, the Chief of Police. Formal complaint forms, requiring the signature of the complainant may be taken 24-hours a day at any division, or at a police facility (including the Information Desk and Headquarters) and City Hall, regardless of where the alleged incident took place. Formal complaint forms are available on the department's website or may be mailed to citizens, if requested, and can be returned by mail or in person. When an employee receives information about a formal complaint, a report will be completed with the information gathered from the complainant.

After the accused employee's supervisor has received the complaint and interviewed the complaining party he/she will advise the employee of the details of the complaint.

In the event that a complaint received by an employee is of alleged criminal behavior, the complaint will be referred to the appropriate Investigations Bureau Unit or the Office of Professional Standards as determined by the Chief of Police.

At the discretion of the Chief of Police, a complaint may be referred to the Office of Professional Standards for investigation. The completed investigation will be referred to the Chief of Police. A supervisor at the Unit, Division or Bureau level will investigate all complaints not investigated by the Office of Professional Standards. The findings of investigations will be forwarded to the Chief of Police. The Chief of Police may direct the Office of Professional Standards to review any investigations.

All supervisors investigating an administrative or criminal complaint on an employee will contact the Office of Professional Standards at the onset of the investigation to receive a Professional Standards' case number.

If the Chief of Police is unavailable, the acting Chief of Police will make the necessary decisions.

Employees will be afforded their constitutional rights as they relate to either a criminal investigation or an administrative investigation.

The Chief of Police may direct an employee to submit to a polygraph examination during an administrative investigation.

The Chief of Police may refer a completed investigation to the Departmental Review Board



All administrative complaints or allegations will be classified in one of the following categories when the investigation is complete:

- A. "Unfounded" - when investigation shows the alleged acts did not occur.
- B. "Exonerated" - when investigation indicates the act(s) occurred, but did not constitute misconduct.
- C. "Not Sustained" - when evidence is inconclusive.
- D. "Sustained" - when evidence indicates the employee did commit some or all of the acts alleged and the acts constitute misconduct.
- E. "Misconduct Not Based on Complaint" - when the evidence indicates the employee did commit acts which constitute misconduct which were not the basis of the complaint.
- F. "Withdrawn" - when the complainant withdraws the complaint and there is insufficient evidence to warrant further investigation.

All completed investigations will be forwarded to the Office of Professional Standards where they will be filed. A permanent complaint register will be maintained in the Office of Professional Standards. The investigative file and register will be maintained for administrative use and will be kept confidential, with information disseminated only upon order of the Chief of Police.

Administrative files will be purged in accordance with time limits directed by Oklahoma State Statutes and the current Records Retention Policy of the City of Oklahoma City provided that:

- A. There is currently no pending litigation on the case.
- B. The grievance period has lapsed for any employee disciplined as a result of the investigation.

The destruction of these files shall commence upon approval of the Chief of Police and will follow procedures set forth by the current Records Retention Policy of the City of Oklahoma City.

All disciplinary actions shall be made at the discretion of the Chief of Police, although the Chief may delegate authority for minor disciplinary actions to supervisory personnel.