

I. Citizen Complaint Investigation

A. External – Methods of Receipt

1. Walk-ins
2. Telephone
3. Through Departmental Divisions or Sections from the public
4. Mail
5. Satellite office (Center for Dispute Settlement)

B. Internal – Method of Receipt

1. Departmental (through the Chief's office)

C. Steps of the Investigative Process

1. Upon receipt of a complaint from a citizen by one of the above methods, you will fill out the Personnel Complaint form if one has not already been completed.
2. Obtain a P.S.S. number by using next available number from IA Pro.
3. In cases in which force was used and the complainant has received, or intends to seek professional medical treatment, have him/her sign a medical release form. (This form is sent via certified mail to the hospital to obtain the medical records of the complainant.)

In cases that require immediate attention, the Medical Release Form may be hand delivered to the Medical Records Department of the hospital in question. Document in your package the date, time, and to whom the form was delivered.

In cases where the complainant refuses, or is unavailable to sign the Medical Release Form, a Chief's Subpoena for medical records may be used. (Check with the P.S.S. municipal attorney prior to submission for the Chief's signature.) All area hospitals, except Strong Memorial, will accept the forms.

4. In all cases where a force allegation has been made, pictures will be taken to show any injuries, or lack of injuries.
5. To aid in obtaining information on the incident, utilize Pacer, Moris, Obtain the 'job card' information from E.C.D. If the reports are not yet available in Pacer, contact the division to obtain them.

6. Locate all reports on the incident by checking Headquarters, Information Systems, and/or the Section where the incident occurred.

The P.S.S. System is available for obtaining various departmental reports including crime reports. It is best to first obtain the CR number in order to search for the report.

7. Review facts from these reports to formulate an interview plan.
8. Interview and appropriately document, (stenographic statement, supporting deposition, oral synopsis) the complainant and all witnesses' accounts before you let them go. **(Insure that advisement sheets are signed prior to taking the statements)** The notary/stenographer will place the complainant under oath prior to the complainant's stenographic statement being taken.
9. Obtain the photographs from Technician's Unit or Photo Lab that may have been taken the day of the incident and other pertinent documentation that may be appropriate (log sheets, photographs, duty roster, etc.).
10. Identify all police and civilians involved, including witnesses. Interview the civilians first when practical.
11. **A neighborhood check for independent witnesses should be conducted within a week of being assigned the investigation. Photograph the scene and pertinent areas. Depose or arrange for stenographic interviews of witnesses as appropriate.**
12. It may be necessary to use photo arrays of police personnel in order to identify persons involved in the incident. You have available for use in these arrays photographs of all police personnel in the department. Create a departmental photo array folder in IA Pro, if one doesn't already exist, and copy it for use in the package or use digital photo array images of departmental members. **(Do not use a photograph of an officer assigned to the Special Investigation Section.** If the complaint involves a SIS officer, contact the Section Commander to verify the officer's involvement.)
13. Stenographic statements should be taken from critical witnesses. Other witnesses should be deposed or have their accounts reduced to a written synopsis, or digitally recorded and transcribed.
14. Police personnel – obtain stenographic statements, depositions, or special reports, as the nature of the case dictates.
15. Ways in which statements from civilians may be obtained are as follows:
 - a. In person, preferably at PSS office
 - b. Recorded over the phone
 - c. At residence or local correctional facility
 - d. At person's place of employment (at their suggestion)

16. An investigative tool that you may consider is the polygraph or Computer Voice Stress Analyzer (CVSA). Due to contractual restrictions, it is not possible to have a police officer examined. However, you may examine a complainant or witness. It would be difficult to base a sustained finding against an officer based solely on a truthful polygraph report from a complainant or witness; however, the report could provide valuable corroborating evidence in your case. In addition, an untruthful polygraph report could also be used to dispute the credibility of the complainant/witness. These examination reports may be submitted as evidence in an administrative hearing. *Complaints regarding sexual based allegations, relative to polygraph or CVSA, are governed by the C.P.L.*
17. You may find the need to seize physical evidence in a case. If you want to obtain evidence from a citizen who will not willingly supply it, you should apply for a search warrant to seize the property. If it is necessary to seize physical evidence from an officer, you may also need a search warrant. You may seize property from a Departmental vehicle. However, if the property that you wish to obtain is on the employees person, in their briefcase, or possibly a desk or locker, a search warrant would be advisable.

You may also seek financial or bank records regarding a citizen or officer's finances. You may attempt to obtain them voluntarily; however, if this is unsuccessful, you will need to obtain a subpoena in order to seize them. The Chief of Police has subpoena power. You may also seek said subpoena through the courts.
18. Include diagrams, O.E.C. event history, as well as labeled and dated photographs, and submit them in the completed package in the appropriate order.
19. Prepare a summary of the investigation, which shall address the high points of the case, the allegations, and the investigator's findings.
20. Submit both the investigative package and the summary, to the Commanding Officer of P.S.S. for review and approval.
21. Set up the case for Section review:
 - a. Scan or copy the package
 - b. Add Commanding Officer of P.S.S. confidential warning
 - c. Add section-warning form
 - d. Add section review finding form
 - e. Add penalty review form for investigations with sustained findings only.
 - f. Add allegation sheet
 - g. **Enter the case into IA Pro, set the appropriate access level.** Advise the appropriate command staff of the case in need of review. (If involved officers work in different Divisions or Sections, each section should receive a copy for review.)
 - h. The package can be sent back to PSS with a request for additional investigative steps to be taken.

Section I and J (below) have been instituted to expedite the investigative review process.

- i. If the investigation contains no sustained findings, the PSS investigator will present the investigation to the Platoon Commander for concurrence or non-concurrence.
 - j. If the investigation contains a sustained finding(s), all platoon, division, and bureau reviewers will arrive at and document a penalty during the concurrence/non-concurrence review stage.
22. Contact the person in charge of scheduling the C.R.B. panel to coordinate personnel to appear at City Hall to review the case. (C.R.B. request should be submitted when case is sent out for section review.)
23. Set up case for C.R.B. review. The C.R.B. can also send a package back for additional investigation before reaching their finding(s).
24. After C.R.B. review, the case will be prepared for Appointed Staff review. The following forms will be added:
- a. Involved officer's P.S.S. index
 - b. C.R.B. minutes
 - c. Section Review findings (including warning forms and sign-off forms)
 - d. Allegation Sheet
25. If the finding for an allegation is sustained against an officer following the C.R.B. review, and the Chief concurs with their recommendation, the next administrative step is to prepare the case for Section Penalty review (this step is only needed when a penalty is not rendered during the concurrence/non-concurrence review (see I and J above). The following forms will be added to the case for review:
- a. The entire package that was reviewed by the Appointed Staff with their findings.
 - b. Add Section Penalty Review form. Allow eight (8) days for Penalty review. (If involved officers work in different Divisions or Sections, each section should receive a copy for review.)
26. When the case is returned from section penalty review, the case will be forwarded through the Commanding Officer of P.S.S. for the Appointed Staff's recommendations.
27. When the case package is returned from the Chief with his recommendation for penalty, refer to Chapter VI of this manual for charge preparation and Opportunity to be Heard.
28. If charges are preferred against an officer after the Chief's review, and the involved officer has elected a Departmental Hearing, the next administrative step will be to call the complainant and advise him/her of a Departmental Hearing regarding his/her case and that he/she may be called as a witness at this hearing. At this point the sergeant should send a charges contemplated letter. This letter should be completed immediately and given to the commanding officer of P.S.S. for mailing to the complainant. (For more information regarding Departmental Hearings – see Chapter IX.)

29. The last administrative step will be the completion of the final letter. This is the letter sent to the complainant, which will indicate the final disposition of the case. This letter should be sent even if a charges contemplated letter has already been mailed. You should include in this letter the case finding. If allegations have been sustained against the officer(s) and he/she was disciplined, indicate whether counseled, disciplined and/or re-trained. **Do not include the officer's name on any distribution list that would indicate his or her identity.** You will send the original letter to the complainant and place a copy in the case package. You will prepare a Notice of Finding for the involved officer(s), forward it to the affected officer and his platoon commander electronically (via e-mail). A copy will be retained in the case file. All final letters and notices of finding will be sent on City of Rochester letterhead.

NOTE: You may release the officer's name to the complainant at the time of the initial complaint.

30. **An alternative to a citizen complaint is the Conciliation Process.** If the complainant is encompassed in one of the seven categories allowable (see General Order 315; Conciliation Process), ask the complainant if he/she agrees to participate in the conciliation process. If the complainant agrees, contact the involved officer(s) through their commanding officer.

If conciliation is agreed upon, you will contact the officer in charge of contacting the Center for Dispute Settlement. CDS will arrange for the conciliation between the parties. (For further details, refer to the above-mentioned General Order.)

Definition of Conciliation- *the state of manifesting goodwill and cooperation after being reconciled, a form of mediation whereby disputes may be settled, the act of placating and overcoming distrust and animosity.*

Conciliation is a process where a police officer can meet with a citizen in a controlled environment facilitated by a trained mediator, in an attempt to resolve a misunderstanding or grievance, which the citizen has made against the officer.