

A complaint can come from **any** external or internal source and must be either an allegation of circumstance(s) amounting to a specific act or omission, which if proven true would amount to employee misconduct or violation of policy; or an expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

All complaints against the department or its employees, including anonymous complaints, will be investigated.

A disagreement over the validity of a traffic infraction or criminal citation is **not** a complaint. Such disagreements should be directed to the proper Court having jurisdiction in the matter.

Public Information

An "Office of Accountability" pamphlet is available to anyone upon request and is displayed in public areas of the Department. This pamphlet explains the process to be followed when anyone wishes to register a compliment, concern, or complaint with the Department. There is also similar information on the Department website.

Receiving External Complaints

A complaint from a member of the public may be presented to the agency in person or by telephone, letter, fax, or electronic mail. When a person indicates that he or she desires to make a complaint, that complaint **must be taken**. No employee shall attempt to discourage, interfere or delay an individual from making a complaint. Every effort shall be made to facilitate the making of the complaint by ensuring that the process is convenient, courteous and prompt.

The following procedure will apply to receiving external complaints:

- ❖ The complainant shall be immediately referred to an available supervisor, preferably the involved employee's immediate supervisor. If the receiving supervisor is the subject of the complaint, the information shall be referred to another supervisor. The supervisor receiving the complaint shall gather as much information as possible. The complainant will be given the name and contact numbers of the employee taking the complaint and/or the Office of Accountability.
- ❖ If a supervisor is not immediately available, the employee receiving the complaint shall record as much of the information as possible and will further handle the complaint as described in the above paragraph. The employee receiving the complaint will advise a supervisor as soon as possible for immediate follow-up and contact.
- ❖ When the complaint is received by mail, email, website, or fax, the complaint should be forwarded to the Office of Accountability for initial review. The Professional Standards Sergeant will promptly notify the person making the complaint that it has been received and the name and contact numbers of who is responsible for handling the complaint.
- ❖ Complainants shall **not** be required to: appear in person; go to another section of the Department or to the Office of Accountability to lodge a complaint; make another trip at another time to lodge a complaint; prepare their own Complaint Form; or be compelled to participate in certain investigatory techniques such as the polygraph to have their complaint accepted. However, if the complainant is extremely disrespectful to an employee or under the influence of intoxicants to such a degree that it is difficult to take a complaint, the employee can give the complainant the complaint form and self-addressed envelope to fill out and return at their earliest convenience.

Failure by any employee to record an allegation or inquiry or properly process it in accordance with provisions of this policy is considered a violation of policy.

Internal Complaints and Duty to Report

Department employees and particularly supervisors who become aware of another employee possibly involved in violations of law, Department policies, regulations, or other directive are required to report those violations. Employees will do so by contacting their immediate Supervisor (or other Supervisor if their direct Supervisor is the one committing the alleged violations). The reporting employee will be required to complete an Officer's report and/or a memo and may be required to provide a written statement to the supervisor. The Supervisor will evaluate and process the internal complaint the same as an external complaint.

If potential wrongdoing is reported involving the actions of another law enforcement agency's officer(s), the complaint shall be forwarded to the Office of Accountability for referral to the involved officer's employing agency.

Evaluating and Processing Complaints

After gathering the initial information, the Supervisor receiving the complaint will advise the Office of Accountability of the details of the complaint. The Office of Accountability will coordinate with the involved employee's Chain of Command to determine what investigative action will be taken.

Complaints of serious violations including criminal acts will be investigated by the Office of Accountability. Criminal Investigations will be coordinated through the Office of Accountability, but may be conducted by the Investigations Section.

The Supervisor will:

- ❖ Prepare a memo to the Chief of Police via the chain of command requesting authorization for a Formal Standards Investigation.
- ❖ Notify the Chief of Police immediately if the allegation is serious enough that the involved employee should be relieved of duty pending completion of the investigation.

Malicious Complaints

If an employee is falsely accused of misconduct in the performance of their law enforcement duties, and sufficient proof exists to verify that the complaint is malicious, the Department may assist the employee in seeking a civil remedy against the complainant.

Potential Impeachment Disclosure to Prosecutor ("Brady Notification")

Within ten (10) days of discovery of the following information, the Office of Accountability shall report the information to the King County Prosecuting Attorney's Office and Bellevue City Prosecuting Attorney's Office by following the *Brady* notification protocols as developed by the local prosecuting agencies:

- Any act by the officer that may be potentially exculpatory to a criminal defendant; and
- Misconduct that the officer has engaged in that affects his or her credibility.