



# Colorado Springs Police Department

## General Order

### 600 Complaints and Internal Investigations

#### Section 600 – Complaints & Internal Investigations

Effective Date: 2/9/2023

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#### **.01 Purpose**

The purpose of this directive is to inform all employees and the public of procedures for accepting, processing, and investigating complaints alleging employee misconduct.

#### **.02 Cross Reference**

[GO 121 Fair and Impartial Policing](#)

[GO 602 Investigative Rights](#)

[GO 604 Mediation of Complaints](#)

[GO 608 Discipline](#)

[GO 610 Rights of Appeal](#)

[DL-600-01 Procedures for Complaints and Internal Investigations](#)

[DL-600-02 Handling of False Complaints](#)

[DL-1106-01 Deadly Force Investigations](#)

#### **.03 Discussion**

The personnel investigation process is important to maintaining professional conduct in a law enforcement agency. Public trust in this department is strongly influenced by the quality of its response to allegations of employee misconduct. Personnel investigations must be conducted in an objective and fair manner, with the truth as the primary objective. This process must also safeguard the rights of employees who are the subjects of personnel investigations.

#### **.04 Policy**

It is the policy of the Colorado Springs Police Department (CSPD) to accept and investigate *all* complaints of misconduct, and to do so in a fair and impartial manner. The purpose of these investigations is to determine the validity of allegations and to impose, in a timely manner, **any identified corrective action.**

## **.05 Definitions**

*Administrative Insight:* Review of a personnel investigation by the chain of command, including the investigation, relevant policies, recommended findings, discipline, and the deliberative process for the discipline.

*Administratively Closed:* Refers to situations in which the complaint or investigation is closed prior to reaching a disposition with the approval of a deputy chief or the chief of police. Examples of cases that may be administratively closed include situations when a complainant voluntarily requests that a complaint be withdrawn, or the subject employee terminates employment prior to the disposition of the complaint.

*BlueTeam:* System used by CSPD to document incidents including, but not limited to, use of force, personnel investigations, vehicle accidents, and pursuits.

*Clear and Convincing Evidence:* An evidentiary standard used in a burden of proof analysis in which the evidence is highly and substantially more likely to be true than untrue.

*Corrective Action:* A term that refers to both disciplinary actions and alternatives to discipline. Both are intended to correct employee behavior. For the purposes of this directive, non-disciplinary corrective action includes verbal counseling or training that is not the result of a sustained violation of policy, and in some cases, emergency relief from duty.

*Conducted Preliminary Inquiry – No Policy Violations:* A disposition of a preliminary inquiry when no further investigation is necessary because, even if all the facts are true as alleged, they do not constitute a policy violation, and/or there is a lack of independent evidence to reasonably believe the act occurred.

*Closed by Mediation:* A disposition of eligible complaints that are finalized through an informal process in which the complainant and accused employee(s) meet face to face, with the assistance of a neutral third-party mediator, to discuss the alleged misconduct in good faith with the goal of reaching a shared understanding.

*Department Member:* For the purpose of this directive, any employee, sworn or civilian, or any department volunteer who is likely to be called to testify in official proceedings.

*Exonerated:* A disposition of a personnel investigation in which the investigation established by a preponderance of the evidence standard of proof that the alleged act that was the subject of the complaint did occur, but it was justified, legal, and proper. To use this disposition, there must be either no dispute over the fact the act did occur, or there is sufficient evidence to prove that the act did occur, and there was no policy violation.

*Exonerated by BWC:* A disposition of a personnel investigation in which body worn camera or other recordings established by a preponderance of the evidence standard of proof that the alleged act that was the subject of the complaint did occur, but it was justified, legal, and proper. If body worn camera or other recordings were sufficient to meet this burden of proof without further investigation, “Exonerated by BWC” is the appropriate disposition.

*Investigating Supervisor:* The supervisor with primary responsibility for conducting a particular personnel investigation. If the complaint is assigned to IA, it is the IA Sergeant who investigates the allegation.

*Level One (1) Investigation:* A less extensive investigation, usually conducted within an employee's chain of command, where it is anticipated a written reprimand will be the maximum discipline imposed, if sustained.

*Level Two (2) Investigation:* A more extensive and structured investigation into allegations of more serious violations, for which discipline in excess of what is available in a Level 1 Investigation is probable, if sustained.

*No Policy Violation Alleged:* A disposition of a personnel investigation in which no further investigation is necessary because even if all the facts are true as alleged, they do not constitute a policy violation. This disposition cannot be used if the complainant alleges conduct that involves the alleged use of inappropriate or excessive force or alleges racial profiling or biased policing.

*Not Sustained:* A disposition of a personnel investigation in which the investigation established that the evidence is insufficient to clearly prove or disprove the allegation.

*Personnel Investigation:* An internal department investigation, conducted by supervisors and/or the Internal Affairs Section, into any allegation of employee misconduct. Personnel investigations may be internally generated or based on a complaint from outside the department. Personnel investigations are designed for the purpose of collecting facts, relative to the incident in question, and the mere acceptance of a complaint for investigation creates no initial presumption that the complaint is completely accurate or that department employee(s) engaged in misconduct. Personnel investigations are classified as a Level 1 investigation or Level 2 investigation.

*Preliminary Inquiry:* An initial review of preliminary information to determine whether the case requires further investigation, or whether it can reach a final disposition of “Conducted Preliminary Inquiry – No Policy Violation.”

*Preponderance of Evidence:* An evidentiary standard used in a burden of proof analysis. This burden of proof is met in a personnel investigation when there is a greater than 50% chance that the claim is true.

*Sustained:* A disposition of a personnel investigation in which the investigation established by a preponderance of the evidence standard of proof that misconduct did occur.

*Unfounded:* A disposition of a personnel investigation in which the investigation established by a preponderance of the evidence standard of proof that misconduct did not occur.

*Unfounded by BWC:* A disposition of a personnel investigation in which body worn camera or other recordings established by a preponderance of the evidence standard of proof that misconduct did not occur. If body worn camera or other recordings were sufficient to meet this burden of proof without further investigation, “Unfounded by BWC” is the appropriate disposition.

## **.10 Complaints**

### **Acceptance of Complaints**

Complaints may be received in person, over the telephone, in writing, via electronic mail, and/or via the internet, and may be made anonymously or by any other means without regard to the source or the time that has passed since the alleged incident occurred.

The department makes procedures for lodging complaints against the department and its employees readily available to the public through its website, as well as through informational brochures available at the Police Operations Center (POC) and patrol substations. The Internal Affairs Section (IA) is responsible for providing each division informational brochures for public display, in both English and Spanish.

Employees will aid individuals who express the desire to make complaints against any department member. This assistance may include, but is not limited to:

- Calling a supervisor to the scene to document the complaint
- Providing referrals to individuals and/or locations where such complaints can be made in person
- Providing an informational brochure about complaints
- Explaining alternative means for making complaints, such as by phone, mail, and via the department’s website
  - If a person calls or arrives in person requests to file to make a complaint, whether in person or by phone, the employee will summon a supervisor to receive the complaint

Employees are prohibited from discouraging or otherwise impeding a person from making a valid complaint.

## **Internal Complaints**

The CSPD Human Resources (HR) Manager has the discretion to be involved in any personnel investigation related to matters within the Human Resources Section's purview.

IA and CSPD HR will jointly investigate internal allegations of actions or behaviors that are forms of unlawful discrimination, harassment, or retaliation against another employee(s).

## **.15 Duty to Report**

All department personnel are responsible for promptly reporting employee misconduct to the next higher level of authority in their chain of command.

Employees who believe they have been subject to actions or behaviors that are forms of unlawful discrimination, harassment, or retaliation must report it to their supervisor, IA, or CSPD HR.

## **Authority and Responsibility of Supervisors and Investigators**

Upon receipt of a complaint from any source, department supervisors, command staff, and IA personnel are required to initiate an investigation and complete an entry in BlueTeam. A printed copy will be provided to the complainant upon request. If the complaint requests documentation that a complaint was filed, the complainant will be advised Internal Affairs will provide notification. Supervisors should, at a minimum, obtain the complainant's address and/or email address and include it in the BlueTeam allowing this notification to take place.

Personnel authorized to investigate a complaint are required to follow the procedures found in DL-600-01 Complaints and Internal Investigations, to include the following responsibilities:

- Creating a BlueTeam entry
- Conducting a personnel investigation

## **Authority and Responsibility of the Internal Affairs Section**

The Internal Affairs Section will do the following:

- Investigate any department matter deemed appropriate or necessary by the chief of police.

- Investigate all complaints against employees involving serious allegations (Level 2 investigations). A Level 2 investigation may stay with the subject employee's chain of command with the approval of the subject employee's bureau Deputy Chief.
- Investigate all firearms discharges by employees (see DL-1106-01 Deadly Force Investigations), for responsibilities in officer-involved shooting investigations).
- Investigate internal allegations of actions or behaviors that are forms of unlawful discrimination, harassment, or retaliation against another employee; this investigation will be conducted jointly with CSPD HR.
- Provide high-level oversight of personnel investigations conducted by department supervisors within the chain of command. This includes reviewing personnel investigations for any procedural concerns, such as:
  - Confirming all required documentation is present
  - Monitoring progress on investigations
  - Proactively sharing information with CSPD HR
  - If applicable, raising concerns about the way a personnel investigation is being conducted or has been conducted. The IA Lieutenant will promptly notify the Professional Standards Division (PSD) Commander of any such concerns.
- Investigate official complaints filed against personnel from other city departments, at the request of the head of the involved department and with the permission of the Chief or designee.

Factors that are considered in determining whether a case will be assigned to IA include the following:

- The severity of the allegation
- The perception of impartiality
- The best procedure to expedite the investigation
- The complexity of any investigation, including whether it will be long term, and/or involve numerous witnesses

If IA initiates a Level 2 investigation, and later determines it is more appropriately classified as a Level 1 investigation, the PSD Commander may direct a case be reassigned to the involved employee's chain of command.

## Immediate Assistance

If a complaint is serious enough to warrant immediate attention or assistance from IA, the investigating supervisor will notify the IA Lieutenant. If the IA Lieutenant is not available, an IA Sergeant should be notified. IA will examine the content of the complaint and discuss it with the PSD Commander, who will determine if the investigation will be assumed by IA. IA personnel are available for consultation at all times via the IA on-call calendar.

## .25 Notification Requirements

The commander involved in a personnel investigation has the responsibility to assess as part of their review whether notifications have been properly made. If not, the commander will ensure notification occurs without delay, and that notifications will be appropriately handled throughout the remainder of the case.

### Employee Notification of Investigation by IA

When the assigned Internal Affairs Section supervisor is ready to interview the subject employee of a complaint, notification will be sent to the subject employee, their commander, and lieutenant, requiring the subject employee to schedule an IA interview.

The division commander or designated supervisor will ensure the subject employee received the letter, understands the process, and knows how to contact Internal Affairs.

#### *Initial Notification of Investigation by Chain of Command*

The division commander or designated supervisor will ensure the subject employee is provided the written notification of the complaint, including the time of the interview as determined by the investigating supervisor.

#### *Complaint Notification Requirements*

In every complaint, the following **must** occur:

- Notification to the involved employee as soon as possible in which they are notified of the complaint, the general accusation being made, and with information about the interaction (e.g., call screen number, case report number, etc.).
  - Information directing the subject officer to GO 602 Investigative Rights
- The investigating supervisor (in the chain of command or in IA) will provide the subject employee with status updates on the case every 30 days as the case status changes. Case status changes for a Level 1 are:

- Investigative memorandum is completed, and the case investigation portion was completed
- An *administrative insight meeting* has been completed
- At the conclusion of all Level 1 investigations, the employee's chain of command will provide the employee with documented notification advising them of the outcome.
- The investigating supervisor will provide the subject employee with notice if they have requested and been granted an extension to the investigative timelines in policy.
- On a Level 2:
  - Internal Affairs Section investigation is completed, and the case has been forwarded to the chain of command for review.
  - Every 30 days from the time the subject employee was interviewed to the time the case is forwarded to the chain of command
  - *Administrative insight* meeting has been held (sent by chain of command)
  - Case has been forwarded to the bureau deputy chief (sent by chain of command)
  - At the conclusion of all Level 2 investigations, the employee's division commander will provide the employee with documented notification advising them of the outcome.
  - The investigating supervisor will provide the subject employee with notice if they have requested and been granted an extension to the investigative timelines in this policy.

The purpose of the status update is to provide estimates of the completion date of the investigation. Employee notifications must be documented as part of the personnel investigation.

- The investigating supervisor will provide the subject employee with notice if they have requested and been granted an extension to the investigative timelines in this directive.
- When the investigation has concluded, the investigating supervisor will notify the employee via email that the case has been sent to the chain of command.
- At the conclusion of all Level 1 investigations, the employee's chain of command will provide the employee with a written document advising them of the outcome.



- At the conclusion of all Level 2 investigations, the IA will provide the employee with a written document advising them of the outcome.

## **Notifications to the Chief of Police**

In most situations, the chief will be notified of complaints against the agency or its employees that result in a personnel investigation in a regularly scheduled meeting with the IA.

In the following situations, the chief must be notified of the complaint via the chain of command without delay:

- An employee is alleged to have committed a crime
- An employee is involved in a use of deadly force
- An employee's actions in their official capacity cause serious bodily injury or death to themselves or another person

The way the chief is notified varies upon several factors, including the severity of the complaint. The chief may be notified via electronic mail, phone, or in person, depending on the situation, and whether it merits a notification outside of normal business hours.

## **Notifications to the Complainant**

Upon initial notification of a citizen complaint, IA will correspond in writing with the complainant to acknowledge receipt of the complaint.

IA will provide notifications to the complainant of the status of the personnel investigation every thirty (30) days in Level 2 investigations or other investigations being conducted by IA. In Level 1 investigations, thirty (30) day complainant notifications are the responsibility of the chain of command conducting the investigation.

For a Preliminary Inquiry that is closed by the disposition of "Conducted Preliminary Inquiry – No Policy Violations," IA will be responsible for case completion correspondence to the complainant.

For a Level 1 complaint after the initial correspondence by IA, the assigned supervisor will be responsible for all additional complainant correspondence except the case completion as follows when the following case status changes occur:

- Assigned investigating supervisor will contact the complainant to advise them of case assignment.

- An Administrative Insight Meeting has been completed.
- At the conclusion of all Level 1 investigations once the case is received by IA, within 10 business days, IA will advise the complainant of the case disposition.

For a Level 2 investigation, the complainant will be advised of case status updates as follows:

- Acknowledgment receipt of complaint
- Assigned supervisor will contact complainant to advise them of case assignment
- At completion of investigation by IA and case has been forwarded to “Chain of Command for Review”
- At the conclusion of all Level 2 investigations once the case is received by IA, within 10 days, IA will advise the complainant of the case disposition.

Complainant notifications must be documented as part of the personnel investigation.

On all complaints, when IA receives a completed personnel investigation with a final disposition, it will notify the complainant of the disposition in writing. Written notification will be sent to the complainant within ten (10) days of a personnel investigation reaching its final disposition **and being forwarded IA as completed.**

The following written information will be included in any final disposition notification to a complainant:

- Definition(s) of the disposition(s) applicable to the complaint
- Policy alleged to have been violated
- Findings with regard to the alleged policy violations
- Whether discipline was imposed for any sustained policy violations
- Contact information for CSPD personnel that can answer questions regarding the personnel investigation and disposition

## **Notifications to CSPD Human Resources**

The IA Lieutenant or the investigating IA Sergeant will keep the CSPD HR Manager informed about personnel investigations.

These notifications are particularly important in allegations involving the following: potential violations of employment laws, employee allegations against another employee, and allegations that could reasonably be expected to result in employee suspension, demotion, or termination.

## **.27 Employee Responsibilities and Rights**

Employees are required to cooperate in personnel investigations, including truthfully answering questions and providing materials as directed by competent authority. Refusal to answer questions relating to their duties may result in employees' dismissal from employment under applicable due process procedures. If an employee refuses to answer questions pursuant to this directive, the investigating supervisor will:

- Provide the employee with a [Garrity Advisement](#), (see attachments)
  - Garrity Advisements will be given, as a matter of policy, on all Level 2 personnel investigations
- Order the employee to truthfully answer questions

If the employee continues to refuse to answer questions, the interview will end, and the supervisor will notify the IA Lieutenant, who will ensure the chief of police is notified.

With the prior approval of the CSPD HR Manager, employees may be required to:

- Submit to a medical or laboratory examination when the examination is specifically, directly, and narrowly related to a particular department personnel investigation or inquiry
- Be photographed, participate in a line-up, and/or submit a financial disclosure statement or other personal information
- Submit to drug testing
- Submit to a polygraph examination (requires chief of police approval with CSPD HR Manager notification/approval)

The results of such investigative actions are limited to administrative use, except as otherwise provided by law. The use of such investigative actions must be narrowly related to the performance of a subject employee's official duties.

Department personnel will not impede reasonable searches of departmental equipment and systems or use of such equipment and systems.

Employees subject to a personnel investigation have the rights listed in the attached *Employee's Rights and Responsibilities in Personnel Investigations* Form.

### **.30 Complaint Investigation Timeline**

Regardless of who investigates the complaint, the investigating supervisor should make all reasonable efforts to complete it as quickly as possible, while maintaining a standard of thorough and fair investigations.

The entire process associated with an investigation conducted pursuant to this directive must be completed within:

- Preliminary Inquiry – 45 days or moved to a Level 1 or Level 2 investigation within 30 days. The completion timeline does not reset upon movement to a Level 1 or Level 2 investigation.
- Level 1 investigation – three (3) months
- Level 2 investigation – eight (8) months

If/when extenuating circumstances exist, extensions may be granted upon request in accordance with applicable directives and communicated to involved parties.

### **.32 Complaints Involving Alleged Criminal Violations**

When evidence indicates possible criminal activity of an employee, the chief or designee will determine which investigative unit will conduct the criminal investigation. Upon completion of the criminal investigation, all pertinent facts and evidence will be presented to the chief or designee prior to an arrest, whenever possible.

The department will act quickly when employees are alleged to have committed a crime, and may conduct parallel personnel and criminal investigations, if it will not compromise a criminal investigation and is appropriate to the situation.

### **.35 Administrative Insight and Chain of Command Review**

The administrative insight and chain of command review procedures, with associated deadlines, are detailed in DL-600-01 Procedures for Complaints and Internal Investigations.

The administrative insight process is not required if the complaint is unfounded or exonerated through review of body worn camera or other recordings, or if the case is closed via the process described in GO 604 Mediation of Complaints.

Each alleged policy violation must have a separate disposition.

The available dispositions, defined in the “Definitions” section of this directive are as follows:

- Unfounded
- Unfounded by Body Worn Camera
- Not Sustained
- Exonerated by Body Worn Camera
- Sustained
- Conducted Preliminary Inquiry – No Policy Violations
- Closed by Mediation
- No Policy Violation Alleged
- Administratively Closed

Discipline will be recommended and imposed in accordance with GO 608 Discipline.

## **.50 Confidentiality and Records**

All personnel investigations are confidential to the extent permitted by law. Department members will not allow access to records, nor will they discuss information related to a personnel investigation.

The only exceptions to this are situations in which disclosing the information is required by law, or when information is disclosed to a person who has a right and need to know about a particular case.

IA records are protected by several security measures, including the following:

- Paper records are maintained in the secure, locked location of IA, and may only be accessed with knowledge and permission of IA personnel.
- Electronic records are maintained within the department’s IA software (IA Pro), and access is controlled by the IA Lieutenant.
  - The system has a set of permissions to allow access to only specific records that a person needs to perform a legitimate job function
  - Each person using the system has a unique log in, and the system produces an audit trail of all access to records

IA records may be used for specific purposes including, but not limited to, the following:

- To perform the functions of a department review board, including the Board of Rights Panel
- To conduct analyses of data and information
- To comply with a subpoena *duces tecum* or court order, after consultation with the City Attorney's Office
- To assist the City Attorney's Office in its representation of the city or in its function to provide legal advice to the department
- For subject employees to review an investigation, with the permission of the chief or designee, after the investigation has concluded
- To comply with a prospective employer's request as part of a candidate background investigation, with a signed CSPD waiver from the employee or former employee
- For a supervisor or higher in rank, or IA personnel, to review a history of complaints and disciplinary actions related to:
  - Employees involved in a personnel investigation, as part of the deliberative process
  - An Early Intervention Program (EIP) review
  - Employees being considered for a position
  - Other purposes on a need-to-know basis, as determined by a person in the rank of commander/civilian equivalent or higher

## **Records Retention**

The department maintains all IA files in accordance with the Colorado Municipal Records Retention Schedule (Schedule 90.070 Employee Records). This schedule requires retention of these records for 10 years after retirement or separation of the employee.

The IA Lieutenant is responsible for the maintenance and purging of IA records.

## **Public Release of Records**

Pursuant to CRS § 24-72-303, the department is required to release certain IA records, upon request, when the investigation is completed.

## **.55 False and Malicious Complaints**

Pursuing criminal charges against a complainant should be reserved for serious cases and should not be done as a method of discouraging people from coming forward with complaints about department members.

Pursuing criminal charges against a complainant should be the exception rather than the rule. The process for filing a criminal complaint against a complainant is detailed in DL-600-02 Handling of False Complaints.

### **Attachments**

[Employee Rights & Responsibilities in Personnel Investigations](#)  
[Garrity Advisement Form](#)