

CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 52.1

SUBJECT: INTERNAL AFFAIRS ADMINISTRATION

EFFECTIVE DATE: 10/01/09

REVISED DATE: 6/22/21

REFERENCE ILEAP: ADM.18.01
ADM.18.02
ADM.18.03
ADM.18.04

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PURPOSE:

The purpose of this policy is to establish guidelines for the internal investigation of Department employees and the process for ensuring professional standards are maintained.

DEFINITIONS:

Formal Complaint Investigation: An investigation intended to gather facts and determine whether or not there is evidence of serious misconduct. A sustained complaint may be the basis for discipline, up to and including termination, or the filing of criminal charges.

Misconduct: Any conduct that is contrary to the proper performance of official duties or the use of official authority; a violation of departmental rules, policies, procedures, or directives; any conduct which adversely reflects upon the officer or the Department.

Minor Misconduct: Any misconduct, considering the totality of the circumstances, that is altogether minor in nature, including but not limited to complaints of slow response, alleged failure to take proper police action, minor rule violations, and alleged rudeness or discourtesy by an employee.

Serious Misconduct: Any misconduct that is serious in nature, including but not limited to criminal activity, excessive force, improper or unlawful arrest, entry, and/or search, complaints of discrimination, serious rule violations, sexual harassment, or repeated minor rule violations.

External Allegation Investigation: An investigation into allegations from a citizen of minor misconduct by an employee. A sustained finding may be the basis for discipline.

Internal Allegation Investigation: An investigation into allegations from an employee of minor misconduct by another employee. A sustained finding may be the basis for discipline.

Internal Investigation: An investigation intended to gather facts and determine whether there is evidence of serious misconduct for any complaint allegation that does not meet

the requirements of a formal complaint. A sustained finding may be the basis for discipline, up to and including termination, or the filing of criminal charges.

Criminal Misconduct: Any violation of criminal or quasi-criminal provisions of federal, state, or municipal statute; Official Misconduct as defined in 720 ILCS 5/33-3 of the Illinois Compiled Statutes; the use of official authority that is a violation of criminal law.

POLICY:

52.1.1 INVESTIGATIVE AUTHORITY

- A. The investigation of all personnel complaints shall be conducted under the authority of the Office of the Chief of Police. The Office of Professional Standards shall manage and review all misconduct investigations.
- B. All complaints made against employees of the Department shall be investigated. Complaints may be made in person, over the phone, or in writing. Anonymous complaints will be handled as an External Allegation Investigation.
- C. All Department employees are required to cooperate in the process with individuals assigned, by either the Chief of Police or the Deputy Chief of Professional Standards, to conduct such investigations.
- D. In the event that criminal violations are alleged against an employee, generally, the criminal investigation shall precede the administrative/internal investigation.
- E. Employees assigned to conduct internal investigations shall report directly to the Office of Professional Standards.
- F. Only supervisors or persons assigned by the Chief of Police or the Office of Professional Standards may investigate another Departmental employee.

52.1.2 RECORDS

- A. All records of allegations of misconduct, and investigative reports shall be filed in the Office of Professional Standards.
- B. Internal affairs files are securely maintained by the Office of Professional Standards. The release of any records maintained shall be in accordance with the law.
- C. All public and non-public records related to complaints, investigations, and adjudications of police misconduct must be permanently retained and not be destroyed.
- D. Notices of disciplinary action taken as a result of an internal affairs investigation shall be entered in the employee's discipline file.

- E. No document related to a complaint investigation which resulted in a finding of Unfounded, Exonerated, or Not Sustained shall be included in an employee's discipline file.

52.1.3 RECEIVING COMPLAINTS

- A. In the interest of expeditiously handling complaints of misconduct, all departmental personnel are directed to accept reports of employee misconduct from all persons who wish to file a complaint regardless of the hour of the day or the day of the week.
- B. Citizens are encouraged to report complaints as soon after the incident as possible.
- C. Formal complaints alleging police employee misconduct by a citizen shall be filed within 60 days of the incident unless unusual circumstances prevent such filing. In such cases, the complainant shall notify the Police Department of their intent to file a complaint within 60 days of the incident and request an extension up to a total of 90 days.
- D. Complaints alleging police employee misconduct shall be accepted from any source and through any means, including those filed anonymously. Complaints may also be filed at the City of Champaign Community Relations Department.
- E. Employees may attempt to resolve a complaint but shall never attempt to dissuade any citizen from making any complaint against any employee of the Department.
- F. Persons and telephone calls will promptly be directed to the attention of an on-duty supervisor for purposes of receiving the complaint.
 - 1. Appropriate steps will be taken to reasonably expedite the direction of the complaint to an on-duty supervisor. However, it may occasionally be necessary to obtain the complainant's name, address, and telephone number for a return phone call and to avoid unreasonable delay when an on-duty supervisor is unavailable.
 - 2. Police Service Representatives are not expected to routinely take complaints, but complaint packets are available at the front desk and should be used if/when an on-duty supervisor is unavailable.
 - 3. Arrangements shall be made for foreign language interpreters and sign language interpreters as needed to communicate with complainants and witnesses.
- G. Citizens should be encouraged to submit their complaints in person so that as complete of a report of the complaint as is possible is taken. When the complainant cannot make the complaint at police headquarters, a command officer should whenever practical interview the complainant at another appropriate place. Complaints made by telephone will be taken but are not encouraged. Written complaints are preferred.
- H. A complainant is to be received with courtesy and respect. When an interview is conducted with a

complainant, it should be conducted in a non-intimidating, non-confrontational setting which is conducive to privacy and which limits interruptions.

- I. Thorough efforts shall be made to identify complainants, witnesses, and other pertinent persons associated with or relevant to the complaint investigation.
- J. Identified complainants, witnesses (including police department employees), and other pertinent persons shall be interviewed separately unless extenuating circumstances dictate otherwise.
- K. Complainants who are under the influence of alcohol and/or drugs and cannot provide coherent information should be advised to make the complaint when they can provide coherent information.
- L. A citizen complaint made in person will initially be received and completely documented as a preliminary report. It is the intake supervisor's responsibility to interpret and summarize the complaint allegations. Supervisors shall also audio- and videotape the intake of the complaint. The manner in which the complaint intake was recorded shall be documented in the summary by the intake supervisor.
- M. Complainants should also generally be advised that filing a false complaint could subject them to both criminal charges and civil liability.
- N. A complainant who has been criminally charged in relation to the incident resulting in the complaint shall be warned that information provided by them or gathered during the investigation is potentially discoverable and may be used in court.
- O. Complainants shall be required to:
 - 1. Make themselves available to be interviewed in person by the investigating supervisor.
 - 2. Promptly supply the investigating supervisor with evidence, supporting documentation, or the identity of any witness pertaining to the complaint.
 - 3. If the supervisor assigned to investigate the complaint cannot reach the complainant, and the complainant does not respond to the summary letter, a Complainant Not Cooperative letter will be mailed by the Office of Professional Standards. A copy of the letter will be included with the complaint file.
- P. If the complainant fails to cooperate with the complaint process, then this will result in the matter being treated as an external allegation investigation rather than a formal complaint. In such case, the complainant forfeits the right to written notification of the finding and/or disposition.
- Q. Complainants will be provided a copy of the CITIZEN COMPLAINT FACT SHEET which explains the process for the handling of police complaints.
- R. Third Party Representation:

1. If a third party wishes to act as a representative of the complainant, the supervisor should first inquire as to whether or not the party witnessed the incident. If it is determined that the person is a witness, then the parties should be interviewed separately. The supervisor may make exceptions for children or persons of limited mental ability.
 2. If the representative is not a witness or complainant, the supervisor may allow the person to witness the interview and provide moral support. It is suggested that the complainant(s) be separated from the representative briefly to confirm they actually want the representative with them.
 3. The representative may not act as a legal representative unless they are an Attorney-at-Law and can provide adequate proof of this fact to police personnel.
 4. The representative shall be advised that they may not speak for the complainant and may not disrupt, interfere, or question the supervisor regarding the process, policies, or questions asked while the interview is being conducted. If the representative refuses to comply, then they will be asked to leave the room. Reasonable questions posed by the representative either prior to or after the interview should be answered by the supervisor.
 5. The supervisor may discontinue any interview that he determines is counterproductive to the complaint process and request that the complainant(s) put their information in writing or call the Office of Professional Standards. When such an incident occurs, it shall be documented by the involved supervisor and the Office of Professional Standards shall be notified. Documentation of the incident shall include the reason for the initial complaint, if known, and the reason why the interview was discontinued.
 6. No supervisor shall fail or refuse to take a complaint solely because the complainant requested a representative.
- S. Citizens who allege excessive use of force may be asked to sign a written authorization for release of relevant medical records to the police department. Photographs of affected areas of the body should also be taken when investigating complaints of excessive force.
- T. The supervisor, officer, or employee taking any complaint shall promptly notify the Office of Professional Standards of the receipt of the complaint and the circumstances surrounding the allegation.
- U. If a supervisor, officer, or employee is confronted with a significant allegation of misconduct requiring immediate investigation, the appropriate Deputy Chief and the Chief of Police will be notified immediately. This could include allegations of criminal activity, sexual harassment, or incidents involving injury or death, officer-involved shootings, and incidents requiring significant follow-up investigation.
- V. The Office of Professional Standards is responsible for notifying the Community Relations Office when a formal complaint investigation is generated. The information provided to the Community Relations Office will include the name and personal identifiers of the complainant, the date and location of the incident leading to the complaint, and the preliminary allegations. The head of the Community Relations Office will review each citizen complaint investigation and also receive a copy of the disposition letter when the investigation has concluded.

52.1.4 COMPLAINT PROCESS INFORMATION

- A. The Department will make information on procedures for registering complaints available to the public.
1. The Department will maintain brochures outlining procedures for registering complaints or commend employees. These brochures will be prominently located in the lobby of the police department and other locations.
 2. Information about filing a complaint or commending an employee will be given upon request. Employees accepting complaints are also responsible for explaining complaint procedures.
 3. Information concerning the registering of complaints against the Department or any employee will be made available to the public on the Department's web page.

52.1.5 ANNUAL STATISTICS

- A. The Chief of Police will maintain annual statistical summaries on complaints against employees and the dispositions.
- B. The statistical summaries shall be included in the Department's published annual report. The annual report will be made available on the Department's web page.

ISSUING AUTHORITY



Anthony D. Cobb
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Champaign Police Department