



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Complaints Against Personnel	Policy #	A-2
Effective Date:	March 4, 2025	Review Cycle:	2-Years
Distribution:	All Sworn Personnel	# Of pages:	14
MLEAP:	2.04, 2.05, 2.06, 2.07, 2.09, 2.10, 2.11	MCJA REQUIRED POLICY	
	<i>Rescinds All Previous Policies Related to This Current Policy</i>		
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY

Establishment of procedures for investigating complaints and allegations of employee misconduct and criminal conduct is crucial to demonstrate and protect this agency's integrity. This agency shall accept and investigate fairly and impartially all complaints of employee misconduct and criminal conduct to determine the validity of allegations and to impose any disciplinary actions that may be justified in a timely and consistent manner. The procedures addressed in this policy will be administered in a manner consistent with applicable collective bargaining agreements and/or the jurisdiction's personnel policy and local, state and federal law. **BOT 9-1, BOT 10-1**

Given that this is a statutorily mandated policy, officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. **BOT 9-14, BOT 10-5**

II. PURPOSE

The purpose of this policy is to establish uniform procedures for addressing complaints of misconduct by Orono Police Department personnel. These procedures will govern the investigation and resolution of complaints that are brought to the attention of the agency. The procedures are designed to ensure that the integrity of the agency is maintained through an internal system whereby objectivity, fairness, and justice are ensured by an impartial investigation and review. An additional purpose of this policy is to ensure that complaint information is compiled, tracked, analyzed, and made available to the Chief of Police for use in managing the agency. **MLEAP 2.04**

III. DEFINITIONS

Complaint - Any clear, specific, and articulate allegation of employee misconduct which, if true, would constitute a violation of law or the standard operating procedures of this agency.

Employee - Any full-time or part-time person, whether paid or volunteer, that represents or works for this agency and approved by the Chief Law Enforcement Officer or designee.

Investigator - Any supervisory officer who is assigned by the Chief of Police or designee, to formally investigate, or assist in the formal investigation of, any complaint of employee misconduct.

IV. CONFIDENTIALITY OF INVESTIGATIONS

Internal Affairs investigations are conducted for the internal use of this agency. These investigations are to be kept confidential in accordance with state law. However, the Orono Police Department reserves the right to provide information regarding investigations to the agency's legal counsel, the Maine Criminal Justice Academy, or the appropriate prosecutorial authority, if warranted. All other releases of Internal

Affairs information will be done only as mandated by a court, in keeping with collective bargaining agreements, or with the employee's and the agency's consent. **BOT 9-13**

V. PROCEDURES BOT 9-2

A. Receiving Complaints

1. The Orono Police Department will accept and document all complaints of employee misconduct. No complainant will be turned away. Anonymous complaints will be accepted; however, because of the difficulties in investigating these types of complaints, citizens will be encouraged to identify themselves. In any case, the complaint will be accepted.
2. It is the responsibility of the on-duty supervisor or other designated supervisory officer to meet with citizen complainants regarding allegations of employee misconduct. If no supervisor is on duty, the complainant will be given instructions on how to contact a supervisor.
3. The supervisor shall:
 - a. Interview the complainant and complete a Complaint Form (*Appendix #3*). Intoxicated complainants shall be interviewed despite their intoxication. The degree of their intoxication shall be noted, and a subsequent interview shall be arranged at the earliest possible time.
 - b. Ask the complainant to provide an oral narrative briefly describing the complaint and then briefly summarizing the complaint in writing on the Complaint Form.
 - c. Ask the complainant to sign the statement of affirmation on page two of the Complaint Form. If the complainant refuses, make note of the refusal on the form and advise the complainant that the refusal to sign shall be considered by the Internal Affairs investigator in evaluating the scope of the investigation and by the command staff for evaluating the truthfulness of the complaint.
 - d. Complete a supplemental memorandum detailing objective observations of the complainant's behavior (e.g., intoxicated, yelling, aggressive). The supervisor shall also note any physical injuries and request photographs of visible injuries.
 - e. The supervisor shall submit the completed Complaint Form directly to the Chief of Police, either in person or by sealed envelope. In an incident involving criminal activity, excessive force, improper arrest, entry, or search, or conduct which violates a person's civil rights, the Chief of Police will be notified immediately. The Chief of Police will be notified verbally of all other incidents the next business day by the supervisor receiving the complaint. **BOT 9-8**

MLEAP 2.07

B. Assignment of Complaint Investigations

1. The Chief of Police shall review the Complaint Form and designate each complaint for investigation by either a line supervisor or a designated Internal Affairs investigator. The Chief of Police shall use the following criteria for determining the investigative authority: **BOT 9-3, 9-6**
MLEAP 2.06
 - a. The following types of complaints shall be investigated by internal affairs: **BOT 9-4, 9-6**
 - i. Criminal activity.
 - ii. Excessive force.
 - iii. Improper arrest.
 - iv. Improper entry.
 - v. Improper search.
 - vi. Conduct which violates a person's civil rights.
 - vii. Any rule infractions that would bring the department into disrepute or risk the safety of fellow officers or the public.
 - viii. Repeated minor violations.
 - ix. Notice of claim related incidents.
 - x. Any other matter as directed by the Chief of Police.

- b. Minor rule infractions (e.g., tardiness, demeanor issues) shall be investigated by the line supervisor of the subject officer.
 2. If the Chief of Police is satisfied that a complaint has been satisfactorily resolved at the supervisor level, they will close the complaint and send a conclusion notification to the complainant.
 3. The Chief of Police shall assign the complaint to an Internal Affairs investigator or return the Complaint Form to the appropriate line supervisor for investigation and resolution.
- C. Investigation of Complaints
 1. Internal Affairs investigators shall have the following responsibilities:
 - a. Conduct thorough, timely, investigation of all complaints assigned by the Chief of Police.
 - b. Once a complaint has been designated for investigation, the investigator shall advise the employee, in some confidential, written manner, that a complaint has been made and that an investigation will be conducted. The notice will include the name of the complainant, the nature of the allegations, and copies of the employee's rights and duties. In addition, the employee will normally be afforded the opportunity to read the initial complaint form. If the disclosure of the existence of the complaint or the identity of the complainant would impede the investigation, the Chief of Police shall decide all questions concerning employee notification and employee access to complaint information.
 - c. Compile all relevant reports, statements, and transcriptions for inclusion in the Internal Affairs case file.
 - d. Verify receipt of the complaint for processing with the complainant.
 - e. Periodically notify the complainant of the status of the investigation and any significant developments. **BOT 9-11**
 - f. At the conclusion of an investigation, submit a completed investigation file for command review.
 2. The Chief of Police or designee shall have the following responsibilities:
 - a. Ensures that all assigned cases are handled in a uniform, timely, thorough, and objective manner.
 - b. Assign cases to investigators as per the designation of investigative authority.
 - c. Monitors and reviews the work of Internal Affairs investigators and tracks case progress.
 - d. Reviews transcripts of interviews and identifies issues that need follow-up or clarification.
 - e. Supervise and coordinate cases involving multiple internal affairs investigators.
 - f. Investigate complaints, as necessary.
 - g. Reviews completed investigations and makes a finding and recommendation in cases assigned to Internal Affairs investigators.
 - h. Ensures all relevant information is entered into appropriate databases.
 - i. Advise the complainant of the results of the investigation. **BOT 9-11** **MLEAP 2.10**
 3. Line Supervisors shall have the following responsibilities:
 - a. Investigate rule infractions and other minor complaints as designated by the Chief of Police.
 - b. Make a finding as the result of the assigned investigation.
- D. Criminal Conduct Allegations
 1. Any allegation of criminal conduct against an employee of this agency will be forwarded to the Chief of Police as soon as possible.

2. Complaints alleging criminal conduct on the part of any agency employee may be handled as internal affairs matter only after consulting with the appropriate prosecutorial authority and may be investigated by an outside agency upon request of the Chief of Police. **BOT 9-7, BOT 10-2**
3. Criminal Conduct allegations investigated by the Internal Affairs function of this agency shall be conducted in accordance with this policy. **BOT 10-3**

E. Findings and Discipline

1. The Chief of Police shall review the Internal Affairs investigation and shall give final approval to the written disposition of the case as follows: **BOT 9-12**
 - a. Sustained - Sufficient evidence exists to indicate that the employee did, in fact, commit one or more of the alleged acts. The department shall have the burden of proving that a violation is sustained by a preponderance of the evidence.
 - b. Exonerated - The incident occurred, but the employee's actions were justified, lawful and proper. No violation of department rule, regulation, or procedure or local, state or federal law has been proven.
 - c. Unfounded - Reasonably credible evidence exists to indicate the complainant's allegations are false.
 - d. Cleared Exceptionally - The department is unable to investigate the matter due to:
 - i. The failure of the complainant to cooperate with the investigation.
 - ii. The unavailability of the complainant (death, relocation, etc.).
 - iii. The departure of the subject officer.
 - iv. Or other circumstances that prevent the department from investigating a complaint.
 - v. Policy failure – a flaw in policy was responsible for the incident.
2. The Chief of Police may afford the employee an opportunity for an informal hearing with the Chief of Police, prior to the outcome of disciplinary or corrective action, to discuss the outcome of the investigation. The employee shall be entitled to representation at that hearing.
3. The Chief of Police shall make the final decision as to the disciplinary or corrective action. Discipline shall be administered in accordance with this agency's discipline policy.
4. If a law enforcement officer is convicted of a crime or violation, or engages in conduct that could result in suspension or revocation of the law enforcement officer's certificate, and the Chief of Police has knowledge of the conviction or conduct, then the Chief of Police shall expeditiously notify the Director of the Maine Criminal Justice Academy with the name of the law enforcement officer and a brief description of the conviction or conduct. **BOT 10-4**

F. Relief from Duty

1. If the complaint against an employee is serious enough to warrant immediate action, the matter shall be referred immediately to the ranking officer on duty. The ranking officer shall determine if the employee involved shall be relieved from duty. An order relieving an employee from duty shall not be construed as a suspension or other disciplinary action. If an employee is relieved from duty in this manner, the employee should be instructed when to report back to duty. In the event of any such action, the Chief of Police will be notified as soon as possible. A Complaint Form must be completed for all such incidents.
2. Any supervisor may relieve an employee from duty anytime the supervisor feels that the employee is unable to effectively carry out their duties. In the event of any such action, the Chief of Police will be notified as soon as possible.
3. Employees shall receive their normal pay for the period that they are relieved from duty, unless said period is later made part of an appropriate suspension without pay or is reviewed by the Chief of Police and acted on pursuant to the Chief of Police's authority, under the jurisdiction's personnel policy.

G. Member's Duties and Rights During an Internal Affairs Investigation

1. The member's duties and rights contained in this section shall be applicable to any investigation by Internal Affairs. The failure of the supervisor to afford an employee these rights does not entitle the employee to disobey the orders of a supervisor. The supervisor's failure to allow an employee to exercise these rights will be considered by the Chief of Police prior to imposition of any discipline against the employee.
2. Any collective bargaining agreement provisions regarding employee rights shall be adhered to in an internal affairs investigation. **BOT 9-9**

H. Employee statements to Internal Affairs

1. The employee will be instructed to provide information to Internal Affairs which is specifically, directly, and narrowly related to the employee's duties or fitness for duty. An employee may be instructed to provide information about off-duty conduct if there is a sufficient relationship between the employee's off-duty conduct and the employee's official duties. Statements made by the employee during an internal affairs investigation, and subject to Fifth Amendment protection, will not be used against an employee in a criminal proceeding. However, a matter may be referred for further investigation by a criminal investigator or the Maine Criminal Justice Academy Complaint Review Committee if the Chief of Police deems it appropriate.
2. Employees may request to have an attorney or union representative present and available for consultation during any Internal Affairs interview. That attorney or union representative present is not entitled to interfere with the interview.
3. An employee's statement to Internal Affairs may be provided in any one of the following forms, at the discretion of the Internal Affairs investigator:
 - a. a written statement completed and signed by the employee.
 - b. a transcription of a taped interview with the Internal Affairs Investigator to which the employee has attested to the truthfulness of the transcription.
 - c. or an investigator's summary of a taped interview with the employee to which the employee has attested to the truthfulness of the summary.
4. The same methods as in #3 above may be utilized by the Internal Affairs investigator, at their discretion, to obtain statements from civilian witnesses.

I. Rights and Duties During an Internal Affairs Investigation

1. All interviews will be conducted at a time determined by the interviewer unless the seriousness of the investigation is such that an immediate interview is required. Every attempt will be made to conduct the interview within thirty days of the filing of the Complaint Form.
2. The interview will be held at the agency or at location determined by the interviewer.
3. Written statements shall be submitted to the Internal Affairs investigator immediately upon their request. The failure to submit a statement upon request, without good cause, will result in discipline.
4. During interviews conducted by more than one internal affairs investigator, there will be one designated interviewer.
5. Employees under investigation shall not use or be subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No promise or reward shall be made by the Internal Affairs investigator as an inducement to answer questions.
6. All Internal Affairs interviews with employees will be recorded. All other interviews will also be recorded, if practical. The Internal Affairs investigator will have discretion in determining if a transcript of the interview or a summary should be prepared. If the recordings are not transcribed, the recordings will be retained as part of the investigation file until the investigation is resolved. A copy of the recording shall be provided to the employee upon their written request at the conclusion of the investigation

7. All investigations shall be conducted without unreasonable delay. An employee who is the subject of a complaint will be advised of the outcome of the investigation to include disciplinary action, in writing, within 30 days of the employee's interview with the Internal Affairs investigator. If the investigation cannot be completed within 30 days of the employee's interview, the Chief of Police may grant an extension, in writing, of the 30-day period to the Internal Affairs investigator. The employee, who is the subject of the complaint, will be given an explanation of the delay and will be advised within 10 days of the completion of the investigation and its submission to the Chief of Police for review by the Internal Affairs investigator. An employee or the employee's representative may contact the Chief of Police at any time to ascertain the status of the investigation of a complaint filed against the employee. **BOT 9-10** **MLEAP 2.05**
8. Prior to any hearing with the Chief of Police concerning possible disciplinary action, an employee will be allowed access to all information and/or documents upon which the contemplated discipline is based, unless in the judgment of the Chief of Police circumstances warrant anonymity.
9. The Administration maintains photographs of all current employees and reserves the right to allow complainants or witnesses to view those photographs to identify officers whose identity is material to a formal internal affairs investigation. Officers may be required to periodically have a new photograph taken to update the file.
10. Employees will only be asked to submit to a polygraph examination if the examination is material to a current formal Internal Affairs investigation and only upon individual written authorization from the Chief of Police.

J. Notice of Claim

Whenever the department receives a civil Notice of Claim or is the subject of a civil lawsuit alleging an incident that would constitute a complaint, the Chief of Police shall initiate an Internal Affairs investigation. The investigation will be conducted in accordance with the procedures outlined in this policy.

K. IA File Security

The Chief of Police shall maintain a secure locked cabinet that contains a record of all complaints against this agency and its employees. Confidentiality of these files shall be maintained in accordance with collective bargaining agreements and applicable laws. (For State employees – 5 M.R.S. §7070, for County employees – 30-A M.R.S. §503 and for Municipal employees – 30-A M.R.S. §2702) **BOT 9-13** **MLEAP 2.09**

L. Sexual Harassment Complaints

The investigation of allegations of sexual harassment of a department employee by another employee shall be handled in accordance with the provisions of this policy. If, in the judgment of the Chief of Police, a fair and impartial investigation is impossible within the department, or at the request of the complainant, the Chief of Police may request the jurisdiction's top administrator to assign an investigator from outside the department. That investigator shall follow the procedures established in this SOP. **BOT 9-7** **MLEAP 2.11**

M. Public Comment on Administrative Investigations

For legal, contractual, and policy reasons, public comment on administrative investigations shall be limited to the Chief of Police or designee. Inquiries from the news media or the public shall be referred to the Chief of Police. The items of information released by the Chief of Police or designee upon request will be in accordance with applicable state and federal law.

APPENDIX #1:

Orono Police Department
COMPLAINTS AGAINST LAW ENFORCEMENT AGENCY PERSONNEL

HOW TO MAKE A COMPLAINT:

1. If you wish to make a complaint about the actions of a police officer or any aspect of police operations, please:
 - A. Come to the department and tell any employee that you want to make a complaint; or
 - B. Call the department or the town manager's office and tell the person answering the phone that you want to make a complaint; or
 - C. Write your complaint and mail it to:

**Chief of Police
Orono Police Department
63 Main St, Orono, ME 04473**

2. A supervisory officer will assist you in filling out a report of the "Police/Citizen Complaint" Form. This form asks you to identify yourself and then to give specific details about your complaint.
3. Your complaint will then be investigated. You may be contacted and asked for additional questions about your complaint.
4. If it is going to take a long time to investigate your complaint, you will receive a letter telling you approximately when you may expect a reply.
5. When your complaint has been investigated, the Chief of Police will review the investigation and will write you a letter explaining what has been found out about the matter.

Orono Police Department
COMPLAINTS AGAINST LAW ENFORCEMENT AGENCY PERSONNEL

**CERTIFICATE TO BE COMPLETED IN THE EVENT OF
REFUSAL TO SIGN FORM**

I, _____ (**Name and Rank**), hereby certify this form was presented to _____
_____ (**Name and Rank**), on this date, in connection with the above-referenced investigation, that
the contents of the form were made known to him/her, and that failure to sign the form is grounds for disciplinary
action, including dismissal from employment.

Said, _____ refused, in my presence, to sign this form.

Name

Employee Signature/Date

Employee Signature/Date

ORONO POLICE DEPARTMENT
Chief of Police
63 Main St, Orono, ME 04473

POLICE / CITIZEN COMPLAINT FORM

Member's Name:	Control Number:
-----------------------	------------------------

Complainant's Name:	Home Address:	Home Telephone:
Witnesses / Other Complainants:	Home Address:	Home Telephone:
Date / Time of Incident:	Location of Incident:	

[illegible]

AFFIRMATION

I, _____, do hereby affirm that the foregoing information provided by me is true and correct to the best of my knowledge and belief. I understand that any false, misleading, or untrue statements, accusations or allegations made by me, either orally or in writing to any person (s) investigating this complaint may subject me to civil and/or criminal prosecution

I realize that it may become necessary during the investigation of this complaint for me to meet with representatives of the Orono Police Department to discuss this complaint, either in the presence or absence of the accused department member (s) at the discretion of the department. I hereby accept the premise that if any action is initiated through a court or administrative proceeding because of my complaint, my testimony before these hearings may be required. I agree to make myself available as a witness before either of the aforesaid bodies, upon request by the Chief of Police.

Signed, _____ this _____ day of _____ 20____ in the Town of Orono, State of Maine.

Witness, _____ Witness, _____



COMPLAINT RECEIPT

The Orono Police Department hereby acknowledges the receipt of a complaint filed against one of its members on

_____ by _____

(Date) **(Department Member’s Name)**

Of _____/_____
(Street and Number) **(City, State, and Zip Code)**

Your complaint will be brought to the attention of the Chief of Police. He/she will assign a special investigator to gather all of the facts. Once the investigator has filed his/her report, it will be carefully reviewed by senior police officials and the Chief of Police, and final disposition will be made. A representative of the police department will notify you as to the final disposition of your complaint, usually within thirty (30) days from the date shown below.

_____ 20_____
(Date) **(Signature of Department Representative)**

TO BE COMPLETED BY THE DEPARTMENTAL MEMBER RECEIVING COMPLAINT

Accepting Department Member:	Date Received:	Forwarded To:	Date:

TO BE COMPLETED BY THE INVESTIGATING OFFICER

Date Investigation Initiated:	Date Investigation Terminated:	Date of Final Report:

INVESTIGATOR'S FINAL DETERMINATION (Check One)

☐ **Unfounded** ☐ **Exonerated** ☐ **Not Sustained** ☐ **Sustained**

Investigator's Signature:	Date and Time:

TO BE COMPLETED BY THE CHIEF OF POLICE**Chief's Final Determination: (Please Check One)**

☐ **Unfounded** ☐ **Exonerated** ☐ **Not Sustained** ☐ **Sustained**

Final Disposition: (Please Check One)

<input type="checkbox"/> No Action Taken	<input type="checkbox"/> Suspension	<input type="checkbox"/> Days
<input type="checkbox"/> Oral Reprimand	<input type="checkbox"/> Reduction	<input type="checkbox"/> Pay
<input type="checkbox"/> Transfer	<input type="checkbox"/> Dismissal	<input type="checkbox"/> Rank

Comments: _____

Complainant Notified of the Disposition by: _____

Date & Time: _____

Member(s) Notified of the Disposition by: _____

Date & Time: _____

Signature: _____

Date Filed in Personnel File: _____