



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Internal Affairs/Citizen Complaints	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes :	
CALEA Standard: 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.1.2	

- I. **Purpose:** It is imperative that The Pawnee County Sheriff's Office operates in a degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the agency. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by employees and the conduct of the agency. This policy provides members of The Pawnee County Sheriff's Office with the procedures for the acceptance of complaints, the initiation of the administrative investigative process, the process for conducting a fair and reasonable investigation, the proper methods for adjudication of these administrative investigations, and the methods for the administration of fair, reasonable and defensible discipline. It is not required that every agency has a designated person or unit expressly for IA/OPS operations, but every agency must have someone who becomes the most knowledgeable person regarding these practices.
- II. **Policy:** The Pawnee County Sheriff's Office will accept and document all complaints alleging employee or agency misconduct for the following principal reasons:
 - A. To ensure that complaints alleging employee or agency misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations,
 - B. To identify areas of misunderstanding by the complaining citizen,
 - C. To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention,
 - D. To protect employees and The Pawnee County Sheriff's Office from erroneous complaints, and

- E. To identify agency policies, training and/or practices in need of reevaluation, clarification and/or correction.

III. Definitions:

- A. Complaint of employee misconduct: A complaint is an allegation from any source of an act or omission by an agency employee, which if proven true, would be considered misconduct or a violation of agency policies, rules, or regulations.
- B. Note: Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the party should be referred to the proper court for resolution.
- C. Complaint of agency dissatisfaction: A complaint from an external source of dissatisfaction with an agency policy or practice.
- D. Public concerns regarding law enforcement operations not amounting to a complaint: A concern expressed by a member of the public, which does not meet the agency's definition of a complaint, but must be documented by The Pawnee County Sheriff's Office employee receiving the information from the member of the public.

IV. Procedure:

- A. Sources for complaints: A complaint can originate from any of the following sources:
 - a. Individual aggrieved person,
 - b. Third party,
 - c. Anonymous,
 - d. Agency employee,
 - e. News media,
 - f. Governmental agency, or
 - g. Notice of civil claim,
 - h. Complaints can be made by members of the public:
 - i. In person,
 - ii. By telephone,
 - iii. By letter,
 - iv. Email
- B. Informational public brochure: The Pawnee County Sheriff's Office has developed an informational public brochure to inform members of the community how to provide The Pawnee County Sheriff's Office with commendations, agency suggestions, dissatisfaction with the agency, or a complaint alleging employee misconduct. (see attachment) These brochures will be maintained in The Pawnee County Sheriff's Office lobbies, informational desks, shift supervisor desks, and jail/booking supervisor desks. If The Pawnee County Sheriff's Office has an on-line website the brochure should be posted.
- C. Agency employee responsibilities: Whenever a sheriff employee becomes aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another agency employee, s/he shall:

(employee misconduct, internal, risk management, traffic accident, critical incident, and non-complaint). The Pawnee County Sheriff's Office will maintain specific investigative and reporting protocols for each classification of complaint.

G. Processing the complaint: It is the responsibility of the IA/OPS unit/person to process the complaint for investigation.

- a.** Assign the complaint the appropriate control number,
- b.** Log the complaint into the record management system,
- c.** Ensure that the complainant receives a letter notifying that the complaint has been received and will be assigned for investigation,
- d.** Assign the investigation to the appropriate agency employee for investigation, and
- e.** Assign the investigation a due date for completion within 30 days. Extensions of this due date must be submitted in writing for approval by the person in charge of the IA/OPS process and made part of the final investigative report.

H. Investigative procedures:

- a.** The employee assigned to conduct the administrative investigation shall:
 - i.** Evaluate the allegations contained in the Public Service Report, listen to the tape recording of the complainant, if available, and consult with the person accepting the complaint or learning of the allegation(s),
 - ii.** Obtain all reports, communications/dispatch records, MDT transmissions, video recordings, and other police documents,
 - iii.** Determine the specific allegations of the complainant and identify any other possible agency violations, whether alleged by the complainant or not, and
 - iv.** Conduct interviews normally in the following sequence:
 - (a)** Complaining person
 - (b)** Other public witnesses
 - (c)** Agency witnesses
 - (d)** Accused employees; officers shall be given written notice of intended interview regarding allegations and normally be allowed a reasonable period prior to the actual interview.

I. Disposition:

- a.** The investigating person will prepare the investigative report and submit it through the chain of command for adjudication and disposition. The investigator is a fact finder only and is not expected to make findings or recommendations.
- b.** The adjudication person will make a recommendation for the disposition findings for each allegation using the following classifications using the burden of proof of a preponderance of the evidence:
 - i.** Sustained: there was a preponderance of evidence to prove the allegation
 - ii.** Not Sustained: there was not sufficient evidence to either prove or disprove the allegation

- iii. Exonerated: the actions of the employee were consistent with the law and agency policies, rules, regulations, and practice
- iv. Unfounded: the allegation did not occur
- v. Policy and/or training deficiency: the allegation occurred but was the fault of deficiencies in agency policy and/or training and cannot be accountable to the employee involved
- vi. These disposition recommendations shall be forwarded through IA/OPS or the designated person for review and concurrence. The final authority for the disposition is the Sheriff or his/her designee. Both IA/OPS and the Sheriff are responsible to ensure that the investigation and the final recommendation are consistent with the investigation and the practice of the agency.
- vii. When allegations are sustained, the specific charges and processing will be conducted according to the personnel practices of the agency.

J. Role of IA/OPS or the designated person

- a. IA/OPS shall prepare the letter to the complainant following the conclusion of the investigation and the disposition of the complaint advising the person that the matter has been resolved.
- b. IA/OPS is responsible for the quality control of the complaint and administrative investigation process and shall:
 - i. Review all final complaint investigations to ensure that they are consistent with the practices of the agency,
 - ii. Maintain records of the process,
 - iii. Maintain the completed investigative and adjudication files in a secure, confidential manner,
 - iv. Conduct an annual audit of the process,
 - v. Maintain statistical documentation regarding the process and prepare any overall reports consistent with the directions of the Sheriff, and
 - vi. Alert The Pawnee County Sheriff's Office to any noticeable trends requiring that may require specific supervisory direction, policy review, or training evaluation.

K. When criminal allegations involving a member of The Pawnee County Sheriff's Office are identified the Sheriff and internal affairs shall be notified immediately:

- a. Crime within agency jurisdiction: the appropriate criminal investigation unit will investigate the criminal aspect unless The Pawnee County Sheriff's Office elects to have the investigation conducted by an outside entity. The administrative investigation will be conducted by internal affairs and is not dependent on the conclusion of the criminal investigation. Normally the initiation of a personnel complaint and the start of the administrative investigation will proceed concurrently with the criminal investigation.
- b. Crime outside agency jurisdiction: Internal Affairs will:
 - i. Develop and maintain liaison with the involved agency and

- ii.** Conduct the administrative investigation the same as it would have had the incident occurred within The Pawnee County Sheriff's Office's jurisdiction.