



# Lansing Police Department Manual

Mike Yankowski, Chief of Police

## 200.7 – COMPLAINT PROCEDURE

*Administrative Procedure*

*Effective Date: 12/2016*

*Rescinds: 07/2009*

### PURPOSE

The purpose of this procedure is to establish guidelines for processing and investigating complaints for any violation of Federal, State or Local Law or any violation of written rule, regulation, procedure, directive, or order of the Lansing Police Department (LPD).

The LPD and the Board of Police Commissioners are committed to ensure that all persons are treated with dignity and respect. Any complaint alleging police misconduct will be fairly and impartially investigated. All LPD employee rights shall be protected during the investigation of complaints.

### DEFINITIONS

- **Complainant:** Any person who alleges from a complaint to have suffered injury, harm, humiliation, indignity, or any other damage as a result of an action by an employee of the LPD.
- **Blue Team:** A software application that enables supervisors to enter and manage awards, commendations, complaints, response to resistance, vehicle accidents and pursuits.
- **Board:** Board of Police Commissioners.
- **Commission Investigator:** An employee of the Board assigned to conduct complaint investigations.
- **Complaint:** An allegation made regarding the conduct of an employee of the LPD.
- **Informational Complaint:** An allegation recorded and reviewed by the chain of command where a determination has been made by Internal Affairs and the Division Commander that no formal complaint will be initiated.
- **Formal Complaint:** An allegation assigned for investigation by the Office of Internal Affairs.
- **Conciliation:** To reconcile differences through a mutual agreement between the subject employee and the complainant. Conciliation of a complaint shall not preclude disciplinary action or the imposition of sanctions when appropriate.
- **Finding(s):** The disposition of an investigation. Types of findings include:
  - **Sustained:** The investigation disclosed sufficient evidence to support the allegations made in the complaint.
  - **Not Sustained:** The investigation failed to disclose sufficient evidence to support the allegation(s). This includes those situations where the complainant fails to provide sufficient information to allow an investigation to be conducted or completed. This does not include a complainant's withdrawal of a complaint where the investigation discloses a violation of law, policy, procedure, or rule of conduct.
  - **Exonerated:** Those acts which provided the basis for the complaint or allegation occurred, however, the investigation revealed those actions were justified, lawful, and proper.
  - **Unfounded:** The investigation proved that the allegation is false and did not occur.
  - **Policy Failure:** The investigation proved that the act(s) by an employee was/were justified by policy, procedure, or regulation; however, the policy, procedure, or regulation may not have been sufficient in protecting the public interest.

43 **RECEIVING COMPLAINTS**

44  
45 • All complaints will be accepted and recorded by any of the following:

- 46 ○ Commission Investigator,
  - 47 ○ Lansing Human Relations and Community Services Department,
  - 48 ○ Lansing Mayor’s Office,
  - 49 ○ Office of Internal Affairs, and
  - 50 ○ Any Police employee.
- 51
- 52
  - 53 • Employees will be notified of all complaints against them.
  - 54 • The Board of Police Commissioners may authorize the Commission Investigator to commence an
  - 55 investigation. The authorization may be withdrawn by the Board at any time and the matter
  - 56 referred to the Chief of Police to reassign the investigation as may be deemed appropriate.
  - 57 • If the complaint is received by a police supervisor, the determination of formal or informational
  - 58 status will be jointly made by the respective Division Captain and Internal Affairs. The Chief will
  - 59 render a decision if the captain/director and Internal Affairs cannot reach a consensus on the
  - 60 matter.
  - 61 • When a preliminary investigation involves the possibility of a criminal act by an employee, the case
  - 62 may be referred to the appropriate authority as outlined in [Operational Procedure 300-24, Outside](#)
  - 63 [Investigation](#).
  - 64 • For employees working in the Detention Section the appropriate Division Director/Captain will
  - 65 assign a non-involved supervisor to investigate if the immediate supervisor is the complaining
  - 66 witness.
  - 67 • Internal Affairs will provide notice to the complainant the complaint was received.
  - 68 • Complaints must be filed within sixty (60) days of the incident. An extension may be granted for
  - 69 good cause by the Chief of Police/designee. In appropriate circumstances, a preliminary
  - 70 investigation may be conducted.
  - 71 • The Board may furnish to the public the *Board of Police Commissioners Complaint Form* as
  - 72 established by the Board.
  - 73 • A complaint may be withdrawn at any time; however, such a withdrawal will not preclude the
  - 74 continuation of an investigation or the imposition of disciplinary sanctions in appropriate situations.
  - 75 • The investigation of a complaint will be completed in accordance with collective bargaining
  - 76 agreements timelines. A waiver to exceed the may be granted by the Chief/designee.
- 77

78 **FILING OF COMPLAINTS**

79  
80 All complaints will be received and entered into Blue Team. Investigations of third party complaints  
81 require a waiver by Chief of Police/designee. Third-party complaints may be investigated at the discretion  
82 of the Chief of Police/designee.

83 **INTERNAL AFFAIRS RESPONSIBILITIES**

- 84
- 85
- 86 • Internal Affairs investigators shall be directly responsible to the Chief of Police and are authorized
- 87 to do the following:
- 88
- 89 ○ Administer the informational and formal complaint process, including but not limited to,
- 90 reviewing all incoming complaints, monitoring progress of investigations and maintaining
- 91 records of complaints.
- 92 ○ Provide status reports of current pending investigations to the Chief and Captains.
- 93 ○ Provide investigative resources to the Commission Investigator as needed.

94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133

## **COMMISSION INVESTIGATOR RESPONSIBILITIES**

- The Commission Investigator shall be directly responsible to the Board and is authorized to do any of the following:
  - Administer the complaint process, including but not limited to, reviewing all incoming complaints, monitoring progress of investigations and maintaining records of complaints.
  - Confer with the Chief of Police/designee, regarding the complaint process or request investigative assistance, if necessary.
  - Assist the Board of Police Commissioners with any fact-finding.
- All complaints and investigative files completed by the Commission Investigator will be forwarded to the Office of Internal Affairs. Investigative files will be confidential and separate from any personnel file.

## **EMPLOYEE RESPONSIBILITIES**

- The employee may, at their request, have a union representative or an attorney attend the pre-determination hearing. In addition:
  - Employees of the LPD will comply with all lawful orders for information, materials, or assistance when such orders are made by the investigator of a complaint.
  - Personal property shall not be subject to search and seizure without probable cause or a search warrant. Department property may be searched at any time even if assigned to or used exclusively by a single person.
  - The Chief of Police/designee may order any employee of the LPD to submit to any acceptable technique to secure non-testimonial evidence including, but not limited to, ballistics, photographs, and lineups.

## **BOARD RESPONSIBILITIES**

- The Board may designate the responsibility and authority for the review and investigation of any complaint to the Commission Investigator or Office of Internal Affairs.
- The Board may review any investigative file relating to a complaint. The Board may elect to take any of the following actions:
  - Conduct sessions to review any case or investigation and disposition.
  - Confer with the Chief of Police/designee regarding the outcome of any investigation,
  - Recommend action to rectify a policy failure, or
  - Take any action permitted by Charter.