



<b>Series</b> 100 Administration	<b>Effective Date</b> TBD	<b>Review Date</b> Three Years	<b>Directive Number</b>  <b>102.6</b>
<b>Chapter</b> 102 - Standards of Conduct			
<b>Reviewing Office</b> Professional Standards Bureau			<input type="checkbox"/> <b>New Directive</b> <input checked="" type="checkbox"/> <b>Revised</b> Revisions in <i>italics</i>
<b>References</b> <i>Michigan Law Enforcement Accreditation Commission</i> <i>1.3.1 Internal Affairs</i>			

## CITIZEN COMPLAINTS

### 102.6 - 1 PURPOSE

To set forth the procedures for receiving, processing, and investigating complaints concerning the Department and allegations of employee misconduct.

### 102.6 - 2 POLICY

In accordance with Sec. 7-808 of the Charter of the City of Detroit, complaints concerning the Department shall be received and forwarded to the Secretary to the Board of Police Commissioners by way of the procedures set forth in this Directive.

### 102.6 - 3 PROCEDURES

All complaints regarding the DPD or an employee's conduct shall be received and processed as follows:

- Complaints may be filed in writing, in person, via mail, telephonically, electronically, or online at the BOPC's website.
- Non-criminal complaints concerning the operation of the DPD or any of its members shall be referred to the OCI for investigation.
- Criminal allegations concerning the operation of the DPD or any of its members shall be referred to the Professional Standards Bureau (PSB) for investigation.
- Citizen complaints alleging that a DPD member engaged in a serious use of force shall be referred to the PSB for investigation.
- Complainants shall be notified of the outcome of the investigation as soon as practical following completion, but no later than 30 days following approval of the investigation. The notification shall include a statement as to whether disciplinary or non-disciplinary corrective action was recommended.
- All investigations conducted under the PSB must conform to DPD investigative protocols and shall, to the extent reasonably possible, determine whether the involved member complied with DPD policy. No investigation may be closed simply because a subject or complainant is unavailable, unwilling, or unable to cooperate.

### 102.6 Citizen Complaints

The DPD will accept complaints from any source, including witnesses, third parties, outside agencies, and anonymous sources. Every complaint shall be accepted by a supervisor in the command where the complaint is made, regardless of where the alleged incident occurred or where the involved members are assigned. The DPD shall ensure that BOPC or OCI training materials that have been approved by the Chief of Police shall be made available to department members to ensure proper citizen complaint intake.

### 102.6 - 4 Responsibilities Attendant to Each Rank and Unit

#### 102.6-4.1 Members

1. All members must courteously inform an individual of their right to make a complaint, if an individual objects to a member's conduct. This includes the complaints from an individual that is in DPD custody and/or at the Detroit Detention Center (DDC).
2. *Members shall promptly put the complainant in contact with a supervisor who can assist them with filing their complaint.*
3. No member shall refuse to assist, discourage, interfere with, hinder, delay, or obstruct any person who wishes to file a citizen complaint.
4. Members who withhold information, fail to cooperate with departmental investigations, or fail to report the misconduct of members to a supervisor, shall be subject to disciplinary action.

#### 102.6-4.2 Supervisors

1. Supervisors are responsible for receiving and documenting citizen complaints according to the procedures set forth in this directive.
2. No supervisor shall refuse to take a citizen complaint or in any way discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint. This includes an individual in DPD custody or at the DDC.
3. If the complaint involves a situation where immediate action is necessary to confirm, refute, or preserve evidence of a fragile or temporary nature, the commanding officer or the officer in charge of the desk shall take immediate action to prevent the loss of evidence.
4. Complaints against the DPD or any of its members that are criminal in nature, involve a serious use of force, or that involve a critical firearm discharge shall be referred to the PSB for investigation.
5. During business hours, the supervisor shall notify PSB directly. During non-business hours, the supervisor shall contact the PSB through Notification and Control.

### **102.6 Citizen Complaints**

#### **102.6-4.3 Completing the CCR**

The fields of the CCR are designed to be self-explanatory. The supervisor receiving the complaint shall ensure that all mandatory fields are completed and that the record includes a precise description of the facts and circumstances of the incident. The supervisor shall include relevant personal observations of the complainant (e.g., emotional state, injuries, uncertainty, or intoxication). Supervisors may not include personal conclusions regarding any aspects of the matter in the record. Members with questions concerning proper completion of the CCR may contact the OCI for assistance.

#### **102.6-4.4 Release of Medical Records**

The supervisor taking the complaint shall attempt to obtain a release of medical records sustained as a result of the incident if the complainant alleges an injury or indicates an intent to seek medical treatment. If the complainant is under 18 years of age, a parent or legal guardian must co-sign the medical release authorization form unless the complainant can show they are a legally emancipated juvenile. Once completed, the medical release form shall be updated with the corresponding CCR number. A copy of the medical release shall be scanned to the OCI, and the original of the medical release form shall be forwarded to the Office of the Chief Investigator via Department mail.

#### **102.6-4.5 Complaints of a Sensitive Nature**

If a complaint is of a sensitive nature (e.g., involves a public official), the supervisor shall immediately notify their commanding officer.

#### **102.6-4.6 Complaints Arising out of the DDC**

The commanding officer of the DDC shall ensure that its personnel accepts and processes all citizen complaints consistent with this directive.

#### **102.6-4.7 Allegations of Use of Force Complaints**

In all instances where a citizen alleges that force was used, the supervisor receiving the complaint shall document the incident on a Use of Force and / or Detainee Injury Report (UF-002), and complete a CCR in MAS.

#### **102.6-4.8 Professional Standards Bureau**

The PSB shall investigate allegations of criminal misconduct and incidents involving a serious use of force or critical firearm discharge. The PSB shall make referrals to the appropriate prosecuting authority where there is credible evidence that a law has been violated and the nature of the offense warrants such a referral. This includes, but is not limited to, recommending prosecution of those who falsely report that a member has committed a crime. The PSB shall maintain an alert team to respond immediately and take command of an initial investigation in those situations where criminal conduct or a category one use of force has occurred.

### 102.6 Citizen Complaints

#### 102.6-4.9 Homicide Task Force

*The Homicide Task Force shall investigate the criminal aspects all officer-involved shootings.*

#### 102.6-4.10 Citizen Claims of Property Damage through Police Action

1. Citizen complaints alleging property damage shall be received and processed in accordance with the procedures set forth above.
2. Citizens seeking remuneration for property damaged alleged to have taken place through police action may submit a claim to the Law Department in accordance with Sec. 17-8-21. Supervisors shall provide contact information for the Law Department to any citizen upon request.
3. The Law Department may request relevant documents and evidence from the DPD following receipt of a claim. Such requests will typically be made through the Police Law Unit by way of Inter-Office Memorandum.
4. The command responsible for the investigation shall forward a copy of the investigation and any relevant materials directly to the Law Department upon receipt of the request.
5. In the event there is a need for an emergency replacement or repair of property essential to the security of a location (e.g., a door or gate), personnel shall contact the Management Services Section for guidance.

#### 102.6-5 Office of the Chief Investigator

*Pursuant to Sec. 7-809 of the Charter of the City of Detroit, the OCI is responsible for investigating non-criminal complaints concerning the operation of the DPD or any of its members. The OCI is authorized to conduct interviews of personnel and to request records through the Office of the Chief of Police or unit designated by the Chief of Police to receive such requests.*

#### Related Polices:

- Directive 201.11 – Use of Force Reporting and Investigation
- Training Directive 04-4 – Garrity Protocol
- *Michigan Law Enforcement Accreditation Commission, Standard 1.3.1 Internal Affairs*

#### Related Forms:

- Citizen Claim for Property Damage and/or Personal Injury (DPD 646)
- Use of Force and/or Detainee Injury Report (UF-002)