

<b>Series</b> 100 Administration	<b>Effective Date</b>	<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 Section 7-808 of the Charter of the City of Detroit, all complaints regarding the Detroit Police Department (DPD) must be received and forwarded to the Secretary of the Board of Police Commissioners (BOPC) following the procedures outlined in this directive. Additionally, all complaints (criminal and non-criminal) concerning the operations of the DPD should be promptly received and recorded in DPD Management Awareness System (MAS), or any successor risk management system adopted by the department and the board, and investigated or forwarded according to the procedures outlined in this directive. Members shall cooperate with the Office of the Chief Investigator (OCI) as per the Charter of the City of Detroit and this policy.

### 102.6 - 3 PROCEDURES

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

#### Complaint Filing Methods:

1. Complaints may be filed in writing, in person, via mail, telephonically, electronically, or online at the City/BOPC website.
2. **Supervisor Intake and Body-Worn Camera Recording:** Complainants may request a supervisor to take a complaint, and the supervisor shall record the complaint on body-worn camera.
  - a. When the complainant requests a supervisor, members shall notify a supervisor and request the supervisor's response to the scene.
  - b. If a supervisor is not immediately available, the member shall courteously inform the citizen of the delay, provide the citizen with an informational brochure on filing a complaint, and give the citizen the option of waiting for

an available supervisor. Members shall ensure that any delay in supervisory response is explained on their Officer Daily Report.

- c. When the complainant requests to go to a DPD location to speak to a supervisor, members shall promptly provide the address or other location information for the police precinct or the OCI office.
3. **Non-Discouragement:** No Member shall discourage, interfere with, hinder, delay, obstruct or refuse to assist any person who wishes to file a citizen complaint. Doing so may result in disciplinary action.
4. **Complaint Acceptance and Training:** The DPD will accept complaints from any source, including witnesses, third parties, outside agencies, and anonymous sources. A supervisor in the command where the complaint is made, regardless of where the alleged incident occurred or where the involved members are assigned, shall accept every complaint. The DPD shall ensure that training materials jointly developed by the BOPC and OCI and approved by the BOPC Secretary and the Chief of Police, shall be made available to department members to ensure proper citizen complaint intake.
5. **Entry into Management Awareness System (MAS):** All complaints concerning the operations of the DPD (including criminal and non-criminal allegations, as well as allegations of force) must be recorded in MAS or its equivalent.
  - a. **Non-criminal complaints:** Complaints concerning the operation of the DPD or any of its members that do not allege criminal conduct or serious use of force shall be referred to and investigated by the (OCI).
  - b. **Criminal Allegations:** Complaints of criminal allegations concerning the operation of the DPD or any of its members shall be referred to the DPD Professional Standards Bureau (PSB) for investigation. This includes, but is not limited to, criminal allegations received by the OCI during its initial review.
  - c. **Serious Use of Force:** Complaints alleging that a DPD member engaged in a serious use of force (as defined in Directive 201.11 – Use of Force Reporting and Investigation) shall be referred to the PSB for investigation. This includes, but is not limited to, serious use of force allegations received by the OCI during its initial review.
  - d. **Referral by OCI:** Should initial investigation by OCI determine that a complaint, initially classified as non-criminal, contains allegations of crime or serious use of force, OCI shall immediately refer the complaint to DPD Professional Standards Bureau (PSB) for investigation.
  - e. **PSB Investigative Protocols:** All investigations conducted by the PSB must adhere to DPD investigative protocols. These investigations shall, whenever reasonably possible, determine if the involved DPD member complied with DPD policy. Furthermore, no investigation will be closed solely due to the unavailability, unwillingness, or inability of a subject or complainant to cooperate.

### **102.6-3.1 Investigation and Complaint Handling Protocols**

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 shall promptly investigate each complaint and submit a report of findings to the Secretary of the BOPC. Citizen complaint investigations shall be conducted in accordance with the policies and procedures of the OCI and as set forth in the Charter. The OCI has the authority to conduct personnel interviews, review and access records of incidents, and request records through the Office of the Chief of Police or a unit designated by the Chief of Police to handle such requests.

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

### **102.6-4.1 Members**

1. **Commitment to Service:** All Department members (civilian and sworn) share responsibility for ensuring that citizen complaints are processed in a manner that is convenient, courteous, and prompt. 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 individuals in DPD custody and/or at the Detroit Detention Center (DDC).
2. **Complaint Information Accessibility:** Individuals who do not wish to make a citizen complaint and are only requesting information on how to make a citizen complaint in the future may be provided an informational brochure or, if one is not available, referred to a precinct that has informational brochures available. All police precincts shall maintain a consistent supply of citizen complaint related informational materials. These resources shall be made clearly visible and accessible to the public.

### **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. During business hours, the supervisor shall notify PSB directly. During non-business hours, the supervisor shall contact the PSB through Notification and Control.
5. Supervisors shall use their body-worn cameras to record the entire complaint intake process. This recording will capture the complainant's statement of circumstances and confirm that the documented complaint accurately reflects their concerns. If the complainant has limited English proficiency or a communication disability, the supervisor must provide appropriate assistance to

ensure the complaint is fully understood and properly recorded. This may include the use of qualified interpreters (in-person or via telephone) and/or communication aids.

6. A supervisor taking a complaint from an individual who is not proficient in English shall utilize the services of a qualified interpretation service. If one is not available, the supervisor may rely on a member to provide translation. If no member is available to translate, the supervisor may (as a last resort) rely on a family member to interpret the information provided by the complainant. The supervisor shall ensure that the identity of the individual providing interpretation is listed in the complaint. Every effort must be made to ensure the complainant fully understands both the complaint process and the contents of the complaint as documented.

#### **102.6-4.3 Completing the Citizen Complaint Record**

The fields of the Citizen Complaint Record (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 OCI via Department mail or email.

#### **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, BOPC Board Secretary and the Chief Investigator.

#### **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.

#### **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 (as defined in Directive 201.11 – Use of Force Reporting and Investigation). 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.

#### **102.6-4.9 Homicide Task Force**

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

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

1. Claims on the part of citizens 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.

#### **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)