

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 09/05/2013	SUBJECT: Complaint Intake; Citizen Complaint Process	Number 123.10 (NYSLEAP A-25-1; A-25-3)
RESCINDS: ALL PREVIOUS		Number of pages 9

I. Purpose:

The purpose of this policy is to describe the process by which a citizen or employee of the Niagara Falls Police Department can initiate a complaint regarding misconduct among members of the Department and/or concerns with procedures.

II. Policy:

It is the policy of the Niagara Falls Police Department that citizens and employees be encouraged to bring forth complaints regarding misconduct by employees and/or concerns with departmental procedures. Employees shall assist and cooperate in the expeditious, effective, and impartial processing of complaints.

III. Definitions:

1. Citizen Complaint: An expression of discontent with the actions or services of the department and/or a NFPD employee, or an allegation of misconduct or wrongdoing; an allegation identifying conduct which, if sustained, would constitute a violation of a written directive, law, statute, etc.
2. Complaint Investigation Form (NFPD Form 16B): A form utilized by the Niagara Falls Police Department for the purpose of collecting information from any citizen, or NFPD employee, regarding allegations of misconduct against a NFPD employee.
3. Complaint Report (CR) Number: A unique sequential number classified by year affixed to every incident recorded, responded to, investigated or in which action was taken by a member of the NFPD.
4. Criminal Investigation: An investigation by a law enforcement agency into allegations of misconduct for the purpose of determining if a criminal act had occurred as defined in Local, State or Federal Law.

5. Employee: Any individual employed by the Niagara Falls Police Department, to include full-time and part-time members.
6. Internal Investigation: A criminal or administrative investigation into allegations of employee misconduct
7. Internal Investigation Function: The internal review and investigation of a complaint, allegation of violations of written directives, laws, statutes and allegations of misconduct. The Internal Investigation Function is commanded and coordinated by the OPS Commander and includes any supervisor when assigned to investigate or review an allegation. The Internal Investigation Function is a method of ensuring the professional integrity of the department and its employees.
8. Office of Professional Standards: An independent Unit of the Niagara Falls Police Department, which reports directly to the Superintendent of Police. The primary duty of the Office of Professional Standards shall be to ensure the integrity of the Department by conducting efficient, impartial, prompt, and complete investigations of allegations of misconduct by employees and tracking and maintaining department records related to Use of Force and citizen complaints. OPS members will also review internal investigations conducted by non-OPS personnel.
9. Office of Professional Standards (OPS) Commander: A Deputy Superintendent appointed by the Superintendent of Police to oversee and conduct investigations of employee misconduct, maintain records of employee complaints (NFPD Form 16B), Use of Force Reports, and ensure data entry, statistical analysis and dissemination of this information. This Commander will also review and maintain oversight authority over internal investigations conducted by non-OPS personnel (such as when minor complaints are referred to the field for investigation).
10. Office of Professional Standards Staff: Employee(s) assigned by the Superintendent of Police to conduct investigations, take complaints, maintain records and data with regard to citizen complaints, Use of Force Reports, NFPD Form 16B, and the Risk Assessment System.
11. Office of Professional Standards Tracking Number: A unique number, independent of the assigned CR number, assigned by the OPS to each Form 16B, Use of Force, or Risk Assessment System incident tracked by the Office of Professional Standards.
12. Payroll Number: A specific number assigned to each NFPD employee upon employment, which is used as an identifying number on reports and other official department correspondence; in lieu of a badge number.

13. Service Complaint: A citizen complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee. (i.e. slow response time, dissatisfaction with patrol methods)
14. Subject Employee: An employee under investigation for possible misconduct.

IV. Procedures:

A. Procedures for Receiving and Recording Citizen Complaints:

1. Complaint Intake:

- a. All NFPD employees shall assist and cooperate in the expeditious, effective, and impartial processing of complaints. It is the responsibility of all employees of the NFPD to accommodate and assist with the intake of citizen complaints.
 1. If a citizen complaint is received by a non-sworn employee, the complainant shall be immediately directed to the Desk Lieutenant or the Office of Professional Standards.
- b. A complaint against an NFPD employee can be lodged by any person by using the following means:
 1. Filing a NFPD Citizen Complaint Form
 - a. At NFPD headquarters in-person; or,
 - b. Through the U.S. mail; or,
 - c. By telephone through the Office of Professional Standards; or,
 - d. By completing and delivering the on-line NFPD Form 16B through the department's website or communicating a citizen complaint via other electronic means;
 - e. By sending a facsimile; or,
 - f. By placing a pre-printed postcard with contact information in a secure drop box which shall be located at NFPD Police Headquarters (Main Lobby), City Hall (Main Lobby), and the City Library.

1. The drop box shall be checked on the first and fourth business day each week by OPS personnel and citizen complaints shall be handled as dictated by this Order.
 2. Postcards shall be made available by OPS at each site to allow any citizen to file a compliment or complaint against a NFPD employee; or request a follow up interview with OPS personnel.
 3. A postcard commending an officer or the NFPD for an action shall be forwarded to the Superintendent of Police for proper documentation and recognition.
- c. The NFPD shall make Form 16Bs available at police headquarters and externally on the internet, in other community buildings (libraries, Churches etc.), community centers, and to community groups throughout the City.
 - c. In-person or telephonic complaints against an employee at the police information desk shall be immediately referred to a Shift Supervisor, Shift Commander, or any available command officer or supervisor at least one rank higher than the subject employee of the complaint at initial intake.
 - d. Complaints against an employee may be referred for intake to the Office of Professional Standards, at OPS discretion, and if they are immediately available.
 - e. Anonymous and third-party complaints against NFPD employees shall be accepted and investigated utilizing the same process as all other citizen complaints to the extent practicable.
 - f. Any person who wishes to file a complaint shall be accommodated without delay and shall not be asked to return at a later time to file such complaint.
 - g. Upon request, any person wishing to file a complaint shall be provided with details regarding the citizen complaint process.
 - h. At no time shall any employee of the NFPD interfere with or attempt to persuade or discourage a citizen from filing a complaint.

- i. No employee of the NFPD shall fail to report misconduct by NFPD personnel at any time.
 - j. As part of the complaint intake process, there shall be no requirement that a citizen or other employee filing a complaint execute a sworn statement or be otherwise required to sign the Form 16B under oath.
 - k. Employees receiving complaints shall ensure the confidentiality of all complaints is maintained. Employees shall not divulge the name of any person filing a complaint or give complaint information to anyone except to OPS personnel or other NFPD authorized Command personnel to properly process and resolve/investigate the allegations of misconduct.
 - l. NFPD Policies and Procedures pertaining to filing a complaint against an employee shall be made available to any member of the public free of charge upon written or verbal request.
 - 1. The NFPD shall make the complaint intake policy and procedures for filing a complaint available on the NFPD official website, and track those requests accordingly.
 - 2. The NFPD shall make copies of the complaint intake policy and procedures available to the public at the Police Desk at NFPD Headquarters.
 - a. Upon request, a citizen will be given a copy of the policy and procedures and provide the Desk Lieutenant with their name and contact information, and sign a log sheet verifying receipt of the paperwork.
 - 3. The NFPD will provide a brochure at community centers, Churches, and libraries explaining the procedures for obtaining a copy of the complaint intake policy from the NFPD.
- B. Recording Information:
- 1. All complaints against NFPD employees shall be recorded on the NFPD Form 16B. (See attached Appendage A – Form 16B)
 - 2. When asked, any NFPD employee will immediately provide a Form 16B to the requestor.

3. The NFPD Form 16B will be filled out and completed by the person requesting the form. If the citizen requests assistance, or is unable to complete the Form, assistance shall be provided by the NFPD employee handling the initial intake.
4. NFPD personnel handling an employee complaint shall ensure that the Form 16B is completed to the extent practicable prior to the citizen leaving. If the citizen desires to take the form and return later, the NFPD employee shall ascertain the name and contact information of the complainant for follow up by OPS in the event the Form 16B is not completed and returned.
5. NFPD personnel receiving a completed form from the requestor should try to ensure that the current contact information listed is correct in order to expedite follow up by OPS.
6. NFPD personnel receiving a completed Form 16B shall legibly print their name and payroll (PR) number on the form prior to forwarding.
7. NFPD employees processing a completed Form 16B shall obtain and affix a NFPD Complaint Report (CR) Number to the Form.
8. If requested, NFPD employees will provide the citizen with a copy of the completed Form 16B.

C. Forwarding Information:

1. All employee complaints, whether received electronically, telephonically or personally, shall be forwarded prior to the end of the shift through the chain of command to the Office of Professional Standards and the Superintendent of Police for assignment, review and data entry purposes.
2. If the complaint was made without a NFPD Form 16B, one shall be prepared by OPS.

D. Notification of Citizen Complainant:

1. Upon case assignment by the Superintendent, the complainant shall be contacted by either OPS or the field supervisor responsible for conducting the investigation and informed that the case has been assigned.
2. If an investigation will not be completed within 30 days, the complainant shall be notified in writing by OPS or the field supervisor responsible for conducting the investigation.

Niagara Falls Police Department Citizen Complaint

Form 16B Instructions

PLEASE FILL IN EACH BLOCK TO THE BEST OF YOUR ABILITY.

Block#1 - NAME – Full Name

Block#2 - ADDRESS - Address and Contact Information

Block #3 - REMARKS – Please provide a brief description of the events leading up to your initial contact with NFPD personnel. In describing the incident, thoroughly detail the events surrounding your complaint, including the date, day of week and time of day. Also list the names, addresses and telephone numbers of anyone who was present when the incident occurred. If your complaint includes verbal abuse or rudeness, include the specific term, phrase or language you found offensive.

If an arrest action has taken place by the NFPD, personnel complaints filed with this office will have no impact upon such cases. Issues regarding the validity of an arrest must be adjudicated before the appropriate judicial authority. In accordance with due process, you are entitled to request a hearing/trial and present those issues before the court identified on the arrest paperwork.

Block#4 – SIGNATURE —Sign the form.

Block #5- DATE- Date form was signed.

Questions regarding the completion of the Complaint Form or the status of your complaint may be directed to the NFPD Office of Professional Standards at (716) 286-4569 or via US mail at:

***Niagara Falls Police Department
Office of Professional Standards
1925 Main Street
Niagara Falls, NY 14305***

OR: AT WWW.NFPOLICE.COM

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1. NAME	FIRST	M.I.	LAST	
2. HOME ADDRESS	STREET/P.O. BOX			
	CITY			
	STATE	ZIP	HOME TELEPHONE NO.	WORK TELEPHONE NO.
3. REMARKS	Provide a detailed narrative of the incident. If the complaint involves verbal abuse or rudeness, state the specific term, phrase or language considered to be offensive. If the complaint concerns dissatisfaction with an investigation or other police service, explain what action or omission was unacceptable. If additional space is necessary, please use the reverse side			
4. SIGNATURE			5. DATE	

Form 16B (Rev 06-2013)