

J.P.D. POLICY AND RESPONSIBILITIES

The citizens of Joplin, and the State of Missouri, have granted certain responsibilities and authority to the Joplin Police Department. The department recognizes its responsibility to maintain the public confidence and trust, and the need to ensure integrity and accountability both by the agency and by the employee. As we recognize the rights of all citizens, citizens should recognize that department employees must be free to exercise their best judgment in taking necessary and reasonable action in the performance of their duties without fear of reprisal. Specific complaint procedures have been adopted by the Joplin Police Department to ensure that fair and proper action is taken when an employee is accused of misconduct. This also protects employees from unwarranted or false accusations. Additionally, this system provides a means of identifying and correcting deficiencies in policies, procedures, supervision, or training.

COMPLAINT PROCEDURES

Who may make a complaint?

Any citizen or any Department employee may make a complaint. *Normally, the person most directly affected by the alleged conduct should be the person to complain.* An example of this is that a complaint of rudeness to a driver should be made by the driver, not a passenger in the vehicle. Exceptions to this would include a parent filing a complaint for a minor child or other similar situation.

In what form should complaints be made?

Complaints may be made in person, in writing, or by telephone. Complaints should *concisely and specifically describe* the conduct of the employee that was found to be improper. Rather than say the employee was rude, explain *how* the employee was rude by providing the specific words or phrases, describing the employee's tone of voice, or citing particular acts of rudeness. Identify the employee as much as possible. This can be accomplished by

providing the employee's name, badge number, patrol vehicle license number, and the date, time, and location of the incident. Department employees are required by policy to properly identify themselves upon request. If available, include the names, addresses, and telephone numbers of all witnesses.

To whom should complaint be submitted?

All Department employees are required to accept complaints if no supervisor is immediately available to do so. Normally, a citizen with a complaint shall be referred to the on-duty supervisor who shall assist the citizen in recording pertinent information. When the Internal Affairs [IA] investigator is available, the citizen may be referred to them. Once the complaint form is filled out, it should be forwarded to the Office of Internal Affairs for investigation.

When may complaints be made?

Complaints may be made at any time. Normal office hours, telephone numbers, and addresses are listed at the back of this pamphlet. Additionally, complaints should be made within a reasonable time after the alleged misconduct occurred to help ensure evidence is still available and recollections of the incident are fresh.

What things can be complained about?

The focus of Department procedures is on *alleged misconduct by a department employee.* This encompasses violations of the laws or Department rules and regulations. A disagreement with a policy or a law or the application of a policy or law is not considered a "complaint", and will normally be referred to the commander most directly involved with the policy or law in question for response.

How does making a complaint affect present or future charges against me?

Any charges or legal issues must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not the

charges against you. Therefore, the charges against you are a separate issue which you will have to resolve in court. Employees are prohibited from retaliating against you, either in the present case or in the future, for lodging a complaint against them.

Can I make an anonymous complaint?

Anonymous complaints are investigated; however, investigations are less likely to reveal all the facts surrounding an alleged incident when the investigator is deprived of the opportunity to contact the complainant. Also, an anonymous complainant can not be made aware of the results of the investigation. For these reasons we strongly encourage persons having legitimate concerns to sign the complaint form and fully cooperate with the investigating officer.

THE INVESTIGATIVE PROCESS

* Other than those complaints which are immediately resolved, every complaint of misconduct by an employee will be investigated.

* Upon receipt of a complaint, the Office of Internal Affairs will send a letter to the complainant acknowledging receipt of the complaint. The Office of Internal Affairs may conduct a preliminary inquiry by telephone, by mail, or in person to clarify specific issues. *If an official Complaint Receipt form has not been signed by the complainant, a form will be sent to the complainant and their signature will be requested.* The complaint form contains an affirmation to the truth of the information provided and a precautionary statement regarding false allegations. This statement is *not* intended to dissuade persons from lodging *legitimate*, factual complaints, but is intended to forewarn persons from making false or malicious complaints that officers do have legal recourse for such action, and that action is beyond the control of the Joplin Police Department. If the complainant does not sign and return the form, the action taken by the Department may be limited to conducting a preliminary inquiry.

* Upon receipt of a signed complaint form, the Office of Internal Affairs will assign the case for investigation. Complaints of a routine nature will generally be assigned to the employee's supervisor. More serious or complex matters will normally be investigated by the Office of Internal Affairs

* Investigators will attempt to contact the complainant, the accused employee, and witnesses; examine physical evidence; review reports and records; and thoroughly document the facts surrounding the incident.

* The investigator's report will be submitted to the Office of Internal Affairs, where it will be reviewed for completeness and objectivity, and then it will be forwarded to the Chief of Police.

* Disciplinary action will be initiated when deemed appropriate, and the Chief of Police or his designee will write a letter to the person who signed the complaint notifying them that the investigation is complete.

RESOLVED COMPLAINTS

Some complaints may be resolved at the time they are made. For example, an explanation that the law requires (or allows) an employee to perform certain acts may be resolved by the supervisor if the complainant agrees that no further investigation of the incident is necessary.

WITHDRAWING A COMPLAINT

Any person may voluntarily withdraw a complaint at any point during the investigative process. Complaint withdrawal is appropriate in situations where additional information is learned which cause the complainant to realize the department employee's actions were proper. The department may, however, elect to continue the investigation if circumstances warrant.



QUESTIONS

Questions about complaint procedures should be directed to:

Internal Affairs

Sergeant William Davis

Joplin Police Department

303 E. 3rd

Joplin, MO 64801

417-623-3131 ext 446

Office Hours

Monday – Friday

8:00 a.m. to 5:00 p.m.



Matthew Stewart
Chief of Police

COMPLAINT PROCEDURES

Dear Citizen:

The purpose of this pamphlet is to inform you of procedures for filing a complaint against an employee of the Joplin Police Department. Contained herein is information pertaining to accepting, processing and investigating complaints concerning allegations of employee misconduct. The accompanying *Complaint Receipt* form is used by the Police Department as a basis for conducting investigations into allegations of employee misconduct. The complaint procedures adopted by the Joplin Police Department ensure that fair and proper action is taken when an employee is accused of misconduct.

Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect the Joplin Police Department's integrity. The Joplin Police Department shall accept and investigate fairly and impartially all complaints of employee conduct to determine the validity of allegations and to impose any disciplinary actions that may be justified in a timely and consistent manner.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Stewart".

Matthew Stewart
Chief of Police