

SUBJECT: **Complaints**

DATE: October 25, 2005

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Annually (Director and Managers)

CANCELLATIONS: None

ENCLOSURES: Citizen Complaint Report

PURPOSE: To provide a thorough and effective review and impartial investigation
of citizen complaints

SCOPE: All Staff

RESPONSIBILITY: District Managers

EXCEPTIONS: None

BACKGROUND:

POLICY:

- I. All informal and formal, written citizens' complaints concerning Larimer County Parks and Open Lands' (LCPOL) officers, employees, volunteers or concessionaires (involved person/s) shall be investigated and each complaint received will be responded to by the Department. The objective is to protect the public and to maintain the integrity of the Department and the individual employee, volunteer or concessionaire. It is the intent of the Division to have the less serious complaints handled at the District level. More serious complaints will be handled by the District Managers, the Director, and/or the Larimer County Sheriff's Department.

PROCEDURE:

II. INITIAL PROCESSING OF COMPLAINT

- A. Any officer receiving verbal communication personally or via phone from any citizen regarding a complaint or complaints against any Parks and Open Lands' officer, employee, volunteer or concessionaire shall request that the citizen:

1. Complete a voluntary statement form, or
 2. Submit a signed written letter detailing the complaint(s). The officer shall interview the complainant (in person or via phone), complete the citizen complaint form, and have the complainant sign it. The officer shall forward the letter/voluntary statement and the Citizen Complaint Form to the Park Manager in a timely manner.
 3. Initial response should be made from the Park Manager within 48 hours whenever possible.
- B. Any officer or employee receiving written communication from any citizen regarding a complaint or complaints against any LCPOL employee, concessionaire or volunteer shall forward the complaint to the Park Manager in a timely manner.
- C. The Park Manager will review the complaint letter/voluntary statement and the Citizen Complaint Form and shall categorize the complaint as either requiring an informal investigation or a formal investigation.
1. Informal investigations will be done on the less serious types of complaints that can best be handled at the District level. Generally, information on these complaints can be gathered through existing records, memorandums, verbal statements, etc. Informal investigations may be conducted in, but are not limited to, the following types of situations:
 - a. Minor violations of Policy and Procedure
 - b. Minor traffic violations
 - c. Alleged failure to take proper law enforcement action
 - d. Poor attitude or rudeness
 - e. Citizen inquiry regarding Policy and Procedure
 - f. Complaint against volunteer or concessionaire
 2. Formal investigations will be conducted on the more serious types of complaints. Generally, these are the complaints that may require formal interviews, taped statements, photographs, chemical tests, medical records, etc. Formal investigations may be conducted in, but are not limited to, the following types of situations:
 - a. Serious misconduct
 - b. Immorality

- c. Physical abuse
- d. Violation of civil rights
- e. Use of force
- f. Pursuit
- g. Criminal violations (investigations by the Sheriff's Office)
- h. Request by an officer who believes he/she is falsely accused
- i. Request by in-line supervisor

III. INFORMAL INVESTIGATIONS

- A. After determining that a complaint will be handled by conducting an informal investigation, the immediate supervisor shall copy the complaint letter/voluntary statement and the Citizen Complaint Form and send it to the Park Manager.
- B. Conducting a timely and proper informal investigation shall be the responsibility of the Park Manager. The Park Manager shall:
 - 1. Notify the person/s involved of the alleged complaint, the name of the complainant, and the name of the investigating officer either verbally or by written memorandum. The person/s involved shall respond to the allegations in a written format, either and Incident Report or a Voluntary Witness Statement.
 - 2. Investigate or assign an in-line supervisor to investigate the complaint.
 - 3. Determine whether the complaint is founded or unfounded.
 - 4. Notify the officer involved of the findings by memorandum.
 - 5. Notify the complainant by letter of the investigation findings. In the event the complaint is founded, mention may be made of the fact that corrective or disciplinary action was recommended, however, the specifics of such recommended action shall **not be released**.
 - 6. When a complaint is founded, the Park Manager will initiate training, counseling, or disciplinary action as appropriate. Disciplinary action will comply with county policies.
 - 7. Upon completion of the informal investigation, the Park Manager shall forward the complaint file to the Director or District Manager. The Director

shall secure all documents concerning the informal investigation in a confidential file to be maintained at the main office.

IV. FORMAL INVESTIGATIONS

- A. After determining that a complaint is serious enough to warrant a formal investigation, the Park Manager will immediately forward the original complaint letter/voluntary statement and the signed Citizen Complaint Form to the Director.
- B. Conducting a timely and proper formal investigation shall be the responsibility of the Director or District Manager. They shall:
 - 1. Notify the person/s involved, Director, and the Park Manager that a formal investigation will be conducted. A follow-up memorandum containing the alleged complaint, the name of the complainant, and the name of the investigating officer shall be sent. The involved person shall not discuss the complaint with fellow employees. Notification may be delayed if immediate notification will compromise the investigation. Note: The Director has the discretion to:
 - a. Suspend an officer's commission, concessionaire's license or volunteer contract.
 - b. Place the involved person on administrative leave with pay pending the outcome of the formal investigation.
 - 2. Investigate or assign investigator(s) to look into the complaint. Investigator(s) shall conduct interviews; obtain statements, photographs, medical records, criminal histories, and reports.
 - a. During the formal investigation, the investigator(s) may, if necessary, request any person involved to:
 - 1) Submit written reports detailing the facts surrounding the citizen's complaints.
 - 2) Answer any questions regarding the citizen's complaint. Prior to initiating an internal investigation interview the person involved will be given an Internal Investigation Interview Notice.
 - b. If the formal investigation involves the possibility of criminal charges being filed against the officer, then the officer will be given a Garrity Warning.

- c. If the involved person wishes to have representation present during the interview, the involved persons and the representative will be given a Notice of Right to Representation.
 - d. If the investigator requires access to any person involved in the investigations medical records, then the Medical Records Release Notice form shall be used. This form will be used by any person who has been injured, complains of injury, or has received medical treatment of which the Division requests medical or mental health information. The document is to be signed at the same time the witness or subject is to be initially interviewed.
- 3. Any person having knowledge, information, or evidence that pertains to an active formal investigation has the responsibility to provide such knowledge, information, or evidence to investigators. All interviews will be recorded.
- 4. Based upon the investigator(s) findings, the District Manager shall submit a detailed confidential report of the findings to the Director. When the evidence available does not support the alleged complaint, the Director shall recommend that the investigation be closed with a finding of Unfounded. In cases where there is evidence finding the complaint to be Founded, the District Manager shall recommend that the Director take further disciplinary action.
- C. The Director shall review the report. If the Director determines that the complaint is unfounded, he/she shall notify the District Manager, Park Manager, and the person/s involved by written memorandum of this finding.

If the Director determines that disciplinary action is necessary, he/she shall notify the investigator(s) and the involved person/s of a hearing date, time, and location. The notification shall be by written memorandum and shall also contain the person's right to representation, postponement, his/her rights under County Policy. In addition, the involved person and/or the involved person's representative will be allowed to read and review all reports and documents, and to examine any evidence concerning the complaint or the investigation.

- D. When a formal complaint case is closed, all of the reports, documents and evidence will be forwarded to the Director. The files are considered confidential and shall be maintained as such. Neither files nor photocopies of formal complaints will be removed from the office, except as authorized by the Director. All subpoenas requesting complaint file records shall be forwarded to the Director or District Attorney's Office with the request that the subpoena be contested. If a person wishes to review his/her complaint file, he/she may do so any time that it doesn't interfere with an ongoing investigation. The involved person/s, Director, and District Manager, and in some cases the Senior Ranger are the only personnel who may look at an officer's complaint file.

- E. The Director shall also be responsible for recontacting the complainant by letter upon conclusion of the formal investigation. In the event the complaint was founded, mention may be made of the fact that corrective or disciplinary action was recommended, however, the specifics of such recommended action shall not be released.

V. FALSE REPORTING

Upon completion of any investigation, if there is probable cause to believe that a complainant or witness made false statements, intimidated, obstructed, harassed, or otherwise interfered with the investigation, the District Attorney's Office will be consulted regarding possible prosecution.

DISTRIBUTION: Parks & Open Lands Managers

APPROVAL: _____
Gary K. Buffington, Date

COMPUTER FILE
LOCATION: Departmental Policy\P&OL – 16 Complaint Policy.doc

CITIZEN COMPLAINT REPORT

IR # _____

Formal Informal

Received:

Telephone

In Person

Email

Other _____

Date Reported _____ Time Reported _____

Location of Occurrence _____

Date Occurred _____ Time Reported _____

Officer/employee involved in complaint _____

Codes: RP (Reporting Party) W (Witness) A (Arrested)

a. CODE	b. NAME	c. SEX	d. DOB	e. ADDRESS/ZIP	f. TELEPHONE
				Res.	
				Bus.	
				Res.	
				Bus.	
				Res.	
				Bus.	

NARRATIVE: State the nature of the complaint (What is the employee alleged to have done, or failed to do, what were the conditions or circumstances at the time, and what resulted)

Signature of Interviewer

Officer No.

Signature of Complainant

Date

Reviewed by:

Senior Ranger

Initials

Date/Time

Initials

Date/Time

Received by

Date

Investigation Completed

Date