



<b>University of Pennsylvania Police Department</b> 4040 Chestnut Street, Philadelphia, Pa 19104		 
<b>Directive:</b> 52	<b>Subject:</b> Citizen Complaint Process	<b>Effective Date:</b> 07/15/1999
<b>Order of:</b> Gary Williams, Chief of Police		<b>Amended Date:</b> 08/01/2023

### I. Purpose

The purpose of this directive is to improve the quality of services provided, to promote a high level of public confidence, and to enhance and maintain the professional integrity of this department and its members. That is, the University of Pennsylvania Police Department (UPPD) and its members will perform their duties within the boundaries of established contemporary legal and ethical standards. The department will establish and promote these standards through clear, written policy statements and rules and regulations, and through the thorough and impartial investigation of all allegations of misconduct or complaints regarding the directives of the department.

A formal procedure to receive, document, and investigate all citizen complaints allows the department to monitor and enforce standards, and is the administrative statement that behavior deviating from these adopted standards will not be tolerated. With a meaningful and effective procedure for handling citizen complaints, we believe citizen confidence in the integrity of the department and its employees will be achieved and maintained.

### II. Policy

It is the policy of the department to accept, document, review, and investigate all instances of alleged misconduct, to include complaints regarding the directives or procedures of the department, and to equitably determine whether the allegations are valid or invalid and to take appropriate action. All allegations of misconduct will be investigated, regardless of whether initiated by citizen complaint, other external agencies, internally generated, or discovered through the internal review and administrative processes of the department.

It should be understood that the department expects and receives the highest degree of integrity from its members, and accordingly presumes, unless evidence is discovered to the contrary, that all employee actions are performed in good faith.

### III. Scope

This directive shall affect all sworn employees.

#### IV. Procedures

##### A. Citizen Complaints

1. All citizen complaints pertaining to departmental policies or procedures, or that allege officer misconduct, shall be documented and investigated by the department. A citizen who has a complaint expects action. All complaints shall be accepted in a courteous, understanding, and professional manner.
  - a. Complaints may be given in person, over the telephone, in writing, or via the Division of Public Safety web site.
  - b. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall be accepted for investigation. Citizens offering anonymous complaints should be advised that our ability to investigate the complaint might be limited by their anonymity.
2. Any supervisor of the department who is approached for such assistance shall accept citizen complaints.
  - a. The supervisor shall document the complaints in writing, using the approved citizen complaint form.
  - b. The supervisor will provide the citizen with a Citizen/Outside Agency Complaint form (UPPD-4). He/she will explain the method for completing the form and respond to any questions the citizen may have in completing the form.
  - c. Following the completion of the form, the supervisor will review the contents for completeness and will ask the citizen about any part of the complaint that is unclear or is incomplete. The supervisor will explain the steps of the internal investigation process. A copy of the completed, reviewed form will then be provided to the citizen.
  - d. In every case, where a citizen indicates physical inability or lack of minimum writing skills to complete the citizen complaint form, it shall be prepared for the citizen by the supervisor.
  - e. Should the citizen refuse to submit the complaint on the citizen complaint form and/or sign it, or if the citizen wishes to remain anonymous, the supervisor shall note such refusal or anonymity on the form and submit it to the Captain of Patrol.
  - f. Citizens who are unable to speak and/or write in the English language should be encouraged to submit the complaint forms in their native language.

- g. All completed citizen complaint forms will be given a sequential internal investigation control number, preceded by the year, i.e., 2021-01. The Office of the Chief of Police will record the complaint and make a duplicate of the complaint prior to forwarding the original to the internal investigator, if one has been designated by the Chief of Police or Captain of Patrol.
  - h. All complaints received and assigned a control number will be investigated. Those complaints that allege behavior such as rudeness on the part of the officer, tardiness, or insubordination shall be investigated by the Shift Commander/Supervisor. Complaints that allege corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct shall be investigated by the Deputy Chief of Investigations or his/her designee. Complaints of this nature shall be immediately brought to the attention of the Chief of Police.
  - i. The Deputy Chief of Investigations shall be ultimately responsible for the internal affairs function, reporting directly to the Chief of Police.
  - j. The supervisor may attempt to resolve a complaint with an explanation of departmental policies and procedures. Where applicable, attempts to resolve complaints shall be noted on the complaint form. A supervisor who successfully resolves such a complaint shall document the complaint and forward a copy to the Office of the Chief of Police, or designee.
3. Upon receipt of a citizen complaint, the Chief of Police, or designee, shall contact the complainant within three (3) business days and notify them the complaint was received and will be investigated. The complainant shall receive written notice of the final disposition of the case. The Chief of Police, or designee, shall advise the complainant of the departmental procedures for processing and investigating citizen complaints. The complainant will be provided with a status update within sixty (60) calendar days of the date of the submitted complaint.
4. Upon completion of the investigation, the Chief of Police or designee, will provide written notification that the investigation has concluded. This final notification will be made within ten (10) calendar days of the conclusion of the investigation. The notification must be documented, may include general corrective action regarding policy changes and training modifications, but must not include specific personnel or disciplinary actions. Any communication with the complainant, to include the progress of the investigation, will be in writing and maintained in the case file.
5. When officers are notified that they have become the subject of a complaint, a written statement of the allegations shall be issued informing the officer's rights and responsibilities relative to the investigation. This notification shall only be made by a supervisor with the expressed permission of the Chief of Police.

6. Time limits for completing an investigation shall remain consistent with the language of Article VII of the Collective Bargaining Agreement (CBA).
7. Officers may be required to submit to a medical or laboratory examination, at the department's expense, when the examination is specifically directed and narrowly related to a particular criminal investigation being conducted by the department (i.e. allegations of drug use by an officer). Officers may also be required to be photographed, to participate in a line-up and/or submit to a financial disclosure statement when the actions are material to a particular criminal investigation being conducted by the department.
8. A record of all complaints against UPPD officers shall be maintained in a secure area within the office of the Chief of Police.

#### B. Outside Agency Information/Complaints

Complaints forwarded to this department from the District Attorney's Office, Federal Bureau of Investigation, State or Federal Attorney General's Office, Philadelphia Police Department, etc., will be summarized on the complaint form. The receiving supervisor will prepare an Interoffice Memorandum (UPPD-28) including the outside agency contact person and forward both complaint forms and the memo to the Office of the Chief of Police immediately.

#### C. Frivolous Complaints

1. Where the facts alleged in the complaint, if accepted as true in all respects and interpreted in the light most favorable to the complainant, or the alleged victim of police misconduct (if other than the complainant), disclose no improper behavior on the part of the police officer against whom the complaint is lodged, the commanding officer assigned the complaint, may terminate the investigation.
2. If approved by the Chief of Police, or designee, the investigation will be closed and the Chief of Police, or designee, will notify all parties involved.
3. If disapproved, the complaint will be investigated in the normal manner.

#### D. Supervisor Responsibilities

1. The primary responsibility for maintaining and reinforcing officer conformance with the standards of conduct of this department shall be with the officer and the first line supervisors.
2. Supervisors shall familiarize themselves with the officers assigned to their shift/unit and closely observe their general conduct and appearance on a daily basis.
3. Supervisors should remain alert for indications of behavioral problems, or changes that may affect an officer's normal job performance. The supervisor should document such information.

4. Where a supervisor perceives that an officer may be having or causing problems, the supervisor should assess the situation and determine the most appropriate action.
5. A supervisor may recommend disciplinary action (positive OR negative), or additional training to refresh and reinforce an officer's skills. Positive discipline could include how future incidents should be better handled by the officer, counseling, and training.
6. Counseling may be used by the supervisor:
  - a. to determine the extent of any personal or job problems that may be affecting performance and to offer assistance and guidance; and
  - b. to discuss minor and infrequent rule violations and to discuss the substance and importance of the rules with the officer.
7. The supervisor shall document all instances of counseling or additional training used to modify an officer's behavior. Copies of such documents along with disciplinary recommendations, if any, shall be forwarded to the Office of the Chief of Police.

#### E. Officer Responsibilities

Each officer of the UPPD shall inform any person who wishes to file a complaint against an employee of this department of the existence of the formal complaint procedure and shall immediately refer such requests to an on-duty supervisor.

#### F. General Considerations

1. In the event that the supervisor receiving a citizen complaint considers it to be of a very serious nature or an emergency circumstance, the Chief of Police, or designee, should be notified immediately through the chain of command.
2. In any extremely serious case or emergency circumstance, (i.e. allegations of criminal conduct or issues relative to the physical or psychological fitness of an officer), Shift Commanders and above have the authority to immediately relieve an employee from active duty status pending further investigation of the incident. This initial suspension from duty will be with pay.
3. No employee of this department will harass, verbally abuse, or otherwise threaten any citizen or fellow employee who files a complaint against an employee of this department.
4. For each investigation into allegation of misconduct, a written "Conclusion of Fact" shall be prepared by the Shift Commander, Deputy Chief of Investigations, or their designees. Such conclusion may result in the need for changes in policies, procedures, rules and regulations that could prevent future allegations of misconduct, as well as the need to modify or expand training.

5. The UPPD will compile annual statistical summaries relative to complaints made against its officers. Such information shall be available to the public as well as employees of the UPPD.
6. The procedures to be followed in registering complaints shall be made available to the public through the UPPD web site and other University publications.
7. The identity of persons filing complaints shall be kept confidential. UPPD personnel shall only disclose the identity of persons filing complaints to a supervisor directly involved in the complaint investigation.

#### G. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

#### H. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

#### I. Application

This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.