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POTTAWATOMIE COUNTY SHERIFF'S OFFICE
GENERAL OPERATIONS POLICY

CITIZEN COMPLAINT POLICY

I. Purpose

The men and women of the Pottawatomie County Sheriff's Office believe in the dignity and worth of every individual and in the importance of respecting the citizens we serve. A citizen complaint causes this office to examine the service that we provide to our community and to make improvements in the way we provide services. This policy provides a guideline to citizens and office personnel on the complain process.

II. Process

A. Receiving a Complaint

A citizen may notify the Sheriff's Office of any complaint or concern by contacting the Pottawatomie County Sheriff's Office and asking to speak with the Shift Supervisor. The Shift Supervisor if available will contact the citizen and discuss the complaint or concern with them. The citizen shall complete the citizen complaint report and return it to the Shift Supervisor. The citizen complaint may also be mailed or faxed. If the Shift Supervisor is unavailable and a senior ranking officer is available, the senior ranking shall receive the citizen complaint in the same manner. All Complaints or concerns made to this office will be forwarded to the Undersheriff for proper dissemination. Anonymous complaints or complaints without a completed citizen complaint form will be documented and forwarder to the Undersheriff however may be declined for lack of information

B. Responsibility of the Undersheriff

1. The Undersheriff will receive and review all complaints, whether in written form or anonymous. The Undersheriff will
2. The Undersheriff will inform the Sheriff of an incoming complaint
3. The undersheriff will then take one of the following actions]
 - a. **Declines to look into the matter further.** If, in the initial stages of the investigation, it is determined that the allegation is without merit or involves an agency other than the Sheriff's Office, the case will not be investigated further. The complaint

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will receive a notification letter explaining the right to appeal the decision of the Sheriff.

- b. **Assigns it back to the division involved.** The division supervisor will conduct the investigation or delegate the task to a qualified subordinate.
- c. **Assigns it for criminal investigation.** Criminal conduct complaints may be assigned to one of the Sheriff's Office Detectives to be investigated like any other criminal allegation or may be assigned to an outside police agency. The Pottawatomie County Attorney or the Office of the Attorney General is notified when probable cause exists to believe that an officer has committed a criminal offense, whether on duty or otherwise.

C. Complaint Categories

Complaint will be documented into one of the following categories:

1. **Minor Complaint:** A complaint which deals with an officer's attitude or demeanor.
2. **Use of Force Complaint:** Allegation of use of excessive or inappropriate physical or deadly physical force.
3. **Conduct Complaint:** Allegation of misconduct other than those more specifically defined by another category which tends to bring reproach or discredit upon the Pottawatomie County Sheriff's Office
4. **Disparate Treatment Complaint:** Allegation of treatment of an individual that is different from the treatment of another because of race or other protected class (sex, age, national origin, sexual orientation, political or religious beliefs, or handicap).
5. **Performance Complaint:** Allegation of work performance which fails to meet or conform to PTSO standards or requirements.
6. **Procedure Complaint:** Allegation of conduct which violates the Standards of Conduct, General Order or order of a superior which is not addressed in another category.
7. **Criminal Complaint:** Complaint of a serious nature which may involve criminal conduct

D. Complaint Classification

After a case has been investigated and reviewed, it is given one of four classifications. The Classification given is known as the finding:

1. **Unfounded:** Claim is false. Based on the facts of the investigation, there is no basis to the allegations

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2. **Exonerated:** Actions of the Deputy were within the guidelines of the Sheriff's Office policy.
3. **Insufficient Evidence:** There was not enough evidence to prove or disprove the allegation (s).
4. **Sustained:** Deputy was found to be in violation of the Sheriff's Office Policy or procedure,

E. Investigation Process

It is the policy that all complaints will be reviewed within (30) days of receipt. Complaints should be resolved within (90) days and be assigned a finding. The timeline may be extended if necessary to thoroughly conduct the investigation. The investigation may involve all parties or witnesses to the allegation being contacted and interviewed. The investigation officer will properly document all facts and details of the incident in a written report. Following the completion of the investigation, the written report will be forwarded to the Undersheriff Via the chain of Command.

The Undersheriff reviews the case, determines specific violations, decides how the case is to be classified and if necessary recommends appropriate discipline. All complaints will be reviewed by the Sheriff before any findings are released or disciplinary action is taken.

The Complainant will be notified by letter with the findings and the results of the investigation. A copy of this letter same letter will be sent to the employee involved and the employee's supervisor. Complainants who are dissatisfied with the investigation may schedule an appointment with the Sheriff to discuss the incident.

Anonymous complaints will be taken and all information provided will be documented and forwarded to the Undersheriff or review. Anonymous complaints or concerns that allege criminal activity, Domestic Violence, or Disparate Treatment (treatment of an individual that is different because of race or other protected class (sex, age, national origin, sexual orientation, political or religious beliefs, or handicap) will be reviewed and investigated.

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