



# COMPLAINT RECEPTION & INVESTIGATION

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Contents:

- I. Policy
- II. Complaint Reception
- III. Complaints Alleging Brutality
- IV. Complaint Investigation
- V. Conclusion & Report
- VI. Final Disposition
- VII. Proponent Unit
- VIII. Cancellation

## **I. POLICY**

It is the policy of this department to provide a thorough, fair, and expeditious disposition of complaints about the conduct of its employees. Further, it is the policy to invite individuals to bring to the department's attention complaints about its employees whenever that person feels the employee acted improperly.

Complaints will be received courteously, and the department will make every effort to ensure that no adverse consequences occur to any person as a result of having brought what they believed was a legitimate complaint to our attention.

All complaints will be investigated according to the procedures described in this directive. The complaint disposition will be consistent with the obligation of providing equitable process for all parties involved.

This directive applies to all allegations of misconduct against department police officers, regardless of duty status.

## **II. COMPLAINT RECEPTION**

It is the policy of the Anne Arundel County Police Department to investigate all complaints against the Department and/or its employees, including anonymous complaints.

### **A. Citizen Complaints**

Citizens wishing to file a complaint against an employee will be encouraged to submit the complaint in writing. If the citizen declines to submit the complaint in writing, they will be referred to (1) the employee's immediate supervisor, if available, or (2) a supervisor on duty in the patrol district where the alleged misconduct occurred. The supervisor will take the complaint Against Personnel report.

### **B. Notification to Internal Affairs**

Upon receipt of a complaint, the supervisor will notify the Internal Affairs Section within 24 hours or by 1600 hours on the next business day, brief an Internal Affairs officer on the complaint, and obtain a complaint control number.

The Internal Affairs commander will assign responsibility for investigation of the complaint. If the investigation is assigned to a line officer, it may begin immediately. In all other cases, the entire case file will be forwarded to the Internal Affairs Section.

**C. Frivolous or Malicious Complaints**

Officers of the rank of Captain and above are authorized to rule as unfounded any complaint that, after suitable investigation, is determined to be malicious, deliberately false, frivolous, or baseless. These accusations must be investigated and documented to protect the integrity of the department and its employees. In such cases, the extent of the investigations may be limited to substantiating the falsity of the accusations. Once the investigation has been investigated, it will be documented on a Complaint Against Personnel form, closed as “unfounded” by the appropriate Captain or bureau chief, and forwarded to Internal Affairs for filing. No further action will be taken against the employee, and the employee may have the complaint expunged according to the provisions of the LEOBR. A photocopy of the completed report should be forwarded to the employee.

**D. Written Verification of Complaint**

Except for anonymous complaints, the Internal Affairs commander will provide written verification to complainants that the complaint has been received for processing.

**E. Status of Investigation**

*At the conclusion of the investigation, the officer in charge of an internal investigation is responsible for informing the complainant, in writing, of the status of the investigation.*

**F. Employee Complaints**

Any employee desiring to file a complaint of misconduct against another department employee will complete the Complaint Against Personnel report and forward it to Internal Affairs. The report need not be forwarded through the chain of command.

**III. COMPLAINTS ALLEGING BRUTALITY**

**A. Sworn Affidavit Required**

Complaints alleging brutality must be properly sworn to prior to any investigation. The complaint may be duly sworn to by the aggrieved person, a member of the aggrieved person’s immediate family, or by any person with firsthand knowledge obtained as a result of their presence at and observation of the alleged incident, or by the parent or guardian in the case of a minor child, before an official authorized to administer oaths.

**B. Time Limit**

Generally, an investigation which could lead to disciplinary action for brutality may not be initiated and an action may not be taken unless the complaint is filed within 90 days of the alleged brutality.

**C. Exceptions to 90 Day Rule**

Maryland courts have created some exceptions to the 90 day requirement. The 90 day rule is a statutory requirement that should be followed in most circumstances. However, if the 90 day period has expired but it appears that good cause has been shown for not meeting it, the brutality complaint will be accepted and forwarded to Internal Affairs. The decision to investigate or not will be made by the Chief of Police or his/her designee on a case-by-case basis.

**D. Supervisors’ Responsibilities**

1. A supervisor receiving a complaint alleging brutality will determine the extent of injuries, if any, and take the necessary action to preserve evidence related to the brutality complaint. Color photographs will be taken of all visible injuries, torn clothing, scuff marks indicating a struggle, or any other evidence.
2. The supervisor will instruct the complainant that the complaint must be duly sworn to. Forms for this purpose are available at the Internal Affairs office. Alternatively, the complainant may write the complaint on his/her own paper and take it to an official who is authorized to administer oaths. Once sworn to, the complaint must be forwarded to Internal Affairs.

**IV. COMPLAINT INVESTIGATION**

All investigations will include interviews of the complainant, any known witnesses, and the officer(s) involved. Deviation from this policy can only be made with the approval of the Commander of Internal Affairs. In addition, the investigator will obtain all available physical and documentary evidence. Investigations must be conducted in full respect of the requirements of LEOBR.

**A. Interviews of Complainant & Witnesses**

Whenever possible, complainants' and witnesses' statements should be tape recorded, with their permission. If the complaint is sustained, the tape recordings must be transcribed into hard copy form.

**B. Notification to Police Officer; Interrogation of Police Officers**

The employee under investigation need not be informed of the investigation until it becomes necessary to interview or interrogate him/her. Internal Affairs will furnish investigators with the most recent LEOBR requirements regarding interrogation of police officers.

When employees are notified that they have become the subject of an internal investigation, the investigator will issue the employee a written statement of the nature of the complaint prior to any interrogation. The notification will include a statement of the employee's rights and responsibilities relative to the investigation.

The notification will be made to the officer through an inter-office correspondence. *In addition, police officers under investigation are provided with a copy of the Md. Code, Public Safety Article, Title 3, Sections 3-101 through 3-113, the "Law Enforcement Officers' Bill of Rights."*

**C. Special Investigative Procedures**

1. Polygraph examinations of employees under investigation will not be done unless specifically requested in writing by the employee under investigation, with the consent of the commanding officer of the Internal Affairs Section.
2. Police officers may be ordered to submit to a medical or laboratory examination for the purpose of detecting the presence of controlled dangerous substances in the employee's bodies. The authority, basis, and procedures to be followed are found in Anne Arundel County Executive Regulation 87.2, as amended. In addition, all police officers are subject to periodic and systematic random drug testing, pursuant to Anne Arundel County Administrative Procedure 1.8.91-2.1.
3. Police officers may be ordered to submit to a chemical test of their blood, breath or urine, pursuant to the provisions of the LEOBR. *(Md. Code, Public Safety Article, Title 3, Section 3-104). Such a test will be at the Department's expense, and will be specifically related to the subject matter of an internal investigation.*
4. Employees may be required to allow themselves to be photographed, upon order of the Chief of Police or his/her designee. Photographs of all employees are maintained on file in the office of the Internal Affairs Section, and are updated as necessary.
5. Employees may be required to participate in lineup identification sessions upon order of the Chief of Police or his/her designee.
6. A law enforcement officer may not be required or requested to disclose any item of his or her property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his/her family or household) unless that information is necessary in investigating a possible conflict of interest with respect to the performance of his/her official duties, or unless such disclosure is required by state or federal law.

**D. Liaison With State's Attorney**

In cases involving alleged criminal misconduct by a department employee, the Internal Affairs Section will seek legal advice and assistance in case preparation from the State's Attorney. Cases of this nature will not be delegated to line officers for investigation.

**V. CONCLUSION & REPORT**

After completing the investigation, the investigator will submit an internal report for review by the Chief of Police and the Internal Affairs commander. The report will be submitted in inter-office correspondence to the Internal Affairs commander. The report will include:

1. The allegations
2. A statement of facts in chronological order
3. The findings of the investigation

The following are classifications of findings of each allegation of employee misconduct:

**A. Exonerated**

The alleged act occurred but was justified, legal and proper. The action of the agency or the employee was consistent with agency policy and the complainant suffered no harm.

**B. Policy Failure**

Although the action of the agency or the employee was consistent with agency policy, the complainant suffered harm. Internal Affairs will refer the deficient policy to the Staff Inspections Section for review and revision.

**C. Sustained**

The accused employee committed all or part of the alleged acts of improper conduct.

**D. Not Sustained**

The investigation produced insufficient information to prove or to disprove the allegation.

**E. Unfounded**

The alleged act(s) did not occur.

**F. Unreported Misconduct**

This is used to indicate the discovery of sustained acts of misconduct that were not alleged in the original complaint.

**VI. FINAL DISPOSITION**

Officers will be informed in writing of the final conclusion of any investigation. The investigator or Internal Affairs commander is responsible for this notification. Cases resulting in sustained complaints will be presented to a trial board according to the requirements of LEOBR, unless the officer waives this right in writing. See Index Code 304, "Department Hearing Boards" for procedures.

**VII. PROPONENT UNIT:** Internal Affairs Section.

**VIII. CANCELLATION:** This directive cancels Index Code 304, dated 12-14-01.