

Complaint Investigation Process

Every complaint of misconduct will be processed by the Office of the Chief of Police.

Upon receipt of a complaint, the Chief of Police will assign the case for investigation. Generally, complaints will be assigned to the employee's supervisor or commander. More serious or complex matters may be assigned to the Inspectional Services Bureau.

Investigators will:

- Attempt to interview the complainant, the accused employee and all witnesses;
- Examine physical evidence;
- Review reports and records;
- Thoroughly document the facts surrounding the incident and allegation.

The investigator's report will be submitted to the Chief of Police who will review it for completeness and objectivity and then determine final disposition.

Investigative Procedures

The standard of proof in an administrative investigation is a preponderance of the evidence. It is less than the standard in a criminal case, which is guilt beyond a reasonable doubt.

Police employees have rights protected under New York State Law. If, during the course of the investigation, it is determined that the employee could face significant discipline we may ask you to submit a sworn statement.

In a criminal investigation police employees have the same rights as any citizen, including the right to remain silent. If officers are ordered to answer questions or face discipline, their answers cannot be used against them in a criminal matter.

Under state law, complaint investigations are public records. Once completed the investigation is retained and must be made available for review or release upon request.

Submitting a Compliment/Complaint

The **Troy Police Department (TPD)** is dedicated to providing the highest quality police services to residents of, and visitors to, Troy N.Y. Your compliments and complaints are important to the **TPD** and we appreciate you taking the time to communicate with us.

To e-mail a compliment or complaint, visit the **TPD** website and follow the instructions therein.

To mail a compliment or complaint, complete a Public Compliment or Complaint Form which is available:

- On **TPD's** website
WWW.TROYNY.GOV/POLICE
- At Police Headquarters.
- Troy City Hall

Your complaint will be accepted even if it is not on our form.

The public can file a complaint in person or by telephoning the police department 24 hours a day.

Disciplinary Action

The **TPD's** Code of Conduct utilizes the principle of progressive discipline. This allows for cumulative increase in penalty considering prior discipline while also allowing for consideration of mitigating circumstances.

Once Command has reached a final disposition, appropriate action will be taken. This may involve documented counseling or re-training. It may also involve the imposition of disciplinary action which includes oral reprimand, written reprimand, suspension or termination.

**TROY POLICE
DEPARTMENT 1700
6TH AVENUE TROY
NY 12180**

**Phone: 518-270-4421
Fax: 518-270-4422**

www.troyny.gov/police



TROY N.Y. POLICE DEPARTMENT



PUBLIC COMPLIMENT OR COMPLAINT PROCESS

PHONE: 518-270-4421

WWW.TROYNY.GOV/POLICE

Responsibilities

TPD's Responsibilities:

The TPD recognizes its responsibilities to maintain the public confidence and trust, and the need to ensure integrity and accountability both by the agency and by each employee.

The Public's Responsibilities:

As we recognize the rights of all citizens, the public should recognize that TPD employees must be able to exercise their best judgment in taking necessary and reasonable action in the performance of their duties without fear of reprisal.

Troy Police Policy:

It is the policy of the TPD to respond to compliments or complaints received from the public.

Complimentary letters are:

- Reviewed by the employees first line supervisor,
- Forwarded to the employee,
- Placed in the employees' personnel file.

Complaint letters or forms follow a very specific complaint procedure that:

- Ensures fair and proper action is taken when an employee is accused of misconduct,
- Protects employees from unwarranted or false accusations,
- Ensures a thorough, fair and objective investigation and
- Helps identify and correct deficiencies in policies, procedures and/or training.

Anyone can submit a complaint.

The person most directly affected by the alleged conduct should be the person to complain. Under most circumstances, this is the person most likely to provide the best information about the incident. However, third party complaints will be accepted and investigated to the best of our ability.

Complaints can be made at any time.

To help ensure evidence is still available and recollections of the incident are fresh, complaints should be made as soon as possible after the alleged misconduct occurred.

Complaints may be made:

- By mail to the **Office of the Chief at Troy Police Department, 1700 6th Ave, Troy, NY 12180**
- In person at TPD Headquarters, or
- By telephoning TPD at 518-270-4421

All complaints received by the TPD are forwarded to the Inspectional Services Bureau where they are logged in and assigned a tracking number.

Complaints should be concise and specific.

Describe the conduct of the employee that you believe to be improper. For example, rather than saying the employee was rude, explain how the employee was rude by :

- Providing the specific words or phrases used.
- Describing the employee's tone of voice.
- Citing particular acts of rudeness.

Identify the employee as much as possible by providing the:

- Employee's badge number and patrol vehicle number.
- Date, time and location of the incident.
- If available, include the names, addresses and telephone

number of any witnesses.

(Note: TPD officers are required by policy to properly identify themselves upon request.)

The subject of the complaint should involve alleged misconduct by an employee.

The focus of the TPD complaint procedure is on alleged misconduct by the TPD employee that encompasses violation of laws or TPD policies and procedures. Dissatisfaction with an arrest or ticket is not considered a "complaint" and you will be referred to the court with the appropriate jurisdiction.

Anonymous complaints are investigated, but not recommended.

Although anonymous complaints are investigated, the investigations are less likely to reveal all the facts surrounding an incident when the investigator is unable to contact the complainant. TPD encourages individuals with allegations of misconduct by our employees to identify themselves and submit to an interview.

Making a complaint will not affect actions or charges against the complainant.

Employees are prohibited from retaliating against you for reporting truthful information in lodging a complaint against them.

Any charges or legal issues (present or future) must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not charges against you. Any charges against you are a separate issue that you will have to resolve at court. Therefore, if you were arrested or issued a ticket or summons during the incident that led to your complaint, you must still follow the direction of the appropriate court in resolving the case.