



Carrboro Police Department



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I. PURPOSE

The purpose of this policy is to establish policy and procedures for receiving and addressing complaints or compliments on employees of the Carrboro Police Department (CPD). While the openness of the CPD to the acceptance of a complaint is a principal element of police professionalism and community responsiveness, our goal is to also protect our employees against false allegations and ensure that accused employees are treated fairly.

II. DEFINITIONS

- A. Complaint – An expression of grief, dissatisfaction or discontent, or a formal accusation.
 - 1. Level 1- minor complaint. Example: rude or disrespectful behavior displayed by the employee.
 - 2. Level 2- major complaint. Example: violation of State law, Federal law, or Department policy.
- B. Compliment – An expression of approval, gratitude, or flattering remarks.



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- C. Internal Affairs Investigation – An investigation conducted on an employee to determine if there is evidence of behavior inconsistent with law and department or Town policies on the part of the employee.

III. ACCEPTING A COMPLAINT

- A. All supervisors, as well as the Internal Affairs Supervisor (the CID Lieutenant), are responsible for accepting complaints, documenting them in the appropriate manner, and forwarding them to their respective chain of command.
- B. A complaint can come from external and internal sources. No complaint should be eliminated or refused based on arbitrary criteria.
- C. Personnel complaints may be presented to the CPD in person, by telephone, by letter, or received via the CPD website:
<http://www.carrboropolice.com/FormCenter/Police-Department-22/Complaint-106>.
- D. No employee will attempt to discourage, interfere, or delay an individual from making a complaint.
- E. All employees are responsible for ensuring complaints are received. Non-supervisory employees who receive complaints will immediately notify an on-duty supervisor who will then contact the complainant.
- F. If the complaint is regarding an employee who is on duty, the complaint will be referred to the appropriate supervisor of the involved employee.
- G. If the employee is not on-duty and the complaint cannot be immediately handled or mediated, the employee and/ or supervisor will record the complaint and forward it to the appropriate supervisor via email, or by entering a “Citizen Complaint” in the electronic administrative investigative software (RMS) module.

IV. CLASSIFICATION OF COMPLAINTS

- A. Performance Complaint Investigations
 - 1. Prior to an interview of an employee under investigation concerning an



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administrative violation involving a performance complaint, the supervisor conducting the interview shall verbally inform the employee of their rights and responsibilities related to the interview and investigation as listed below. The employee may request this information be provided to them in writing; if this request is made, the supervisor will provide the employee with a written notification that covers the information listed in section (2) below.

2. The supervisor will advise the employee of the following:
 - a. The employee will be required to answer all questions fully and truthfully; all questions will be specifically, narrowly, and directly related to the performance of his/her official duties or of detrimental personal conduct;
 - b. Refusal to comply with an order to answer such questions or failure to answer questions fully and truthfully will be considered gross personal misconduct and may subject the employee to punitive disciplinary action, up to and including termination; and
 - c. In accordance with the *Garrity v. New Jersey*, 87 S. Ct. 616 (1967) and *Gardner v. Broderick*, 88 S. Ct. 1913 (1968) (U.S. Supreme Court cases), any statements made during an administrative interview may not be used against the employee in subsequent criminal prosecutions.

B. Allegation of Misconduct Investigations

1. Prior to an interview of an employee under investigation concerning an administrative violation involving an allegation of misconduct, the employee shall be provided with and required to complete a Notice of Internal Affairs Complaint form.
2. The form will advise the employee of the following:
 - a. The employee will be required to answer all questions fully and truthfully; all questions will be specifically, narrowly, and directly related to the performance of his/her official duties or of detrimental personal conduct;



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- b. Refusal to comply with an order to answer such questions or failure to answer questions fully and truthfully will be considered gross personal misconduct and may subject the employee to punitive disciplinary action, up to and including termination; and
- c. In accordance with the cases *Garrity v. New Jersey* and *Gardner v. Broderick*, any statements made during an administrative interview may not be used against the employee in subsequent criminal prosecutions.

V. MEDIATING A COMPLAINT

- A. Some complaints are very minor. By taking time to listen to the complaint at the initial contact, it may be possible to resolve an issue without requiring documentation.
- B. Supervisors are encouraged to mediate minor complaints which may be resolved at the initial contact with the complainant.
- C. Complaints that cannot be resolved during the initial contact with the complainant will require documentation through a “Citizen Complaint” entry in RMS.
- D. Supervisors will keep notes of mediated complaints for future reference.
- E. No personnel files will be released to the complainant in the course of mediation unless the officer involved gives approval.

VI. RECEIVING/PROCESSING A COMPLAINT

- A. When supervisors receive notice that a complaint has been filed, the supervisor will verify if a “Citizen Complaint” has been entered into RMS.
- B. Supervisors will contact the complainant within 24 hours of receiving a complaint and advise the complainant the complaint has been received and is being investigated.
- C. Contact with the complainant will be documented and included in the supervisory response.
- D. Supervisors will complete and upload all necessary forms and documentation



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required into the RMS system.

- E. The “Citizen Complaint” will be forwarded through the chain of command within 24 hours after completion. Additional time may be granted at the approval of the Division Captain.
- F. If the nature of the complaint may require an Internal Affairs investigation, the supervisor receiving the complaint will speak with their Division Captain to determine the appropriate handling of the complaint.
 - 1. Internal affairs investigations are violations of serious misconduct of an employee that may include, but are not limited to, moral turpitude, criminal behavior, corruption, egregious violations of city policy, detrimental personal conduct or as deemed necessary by the Chief of Police.
 - 2. Such cases will be assigned to the CID Lieutenant or a CID Sergeant for investigation.

VII. GENERAL INVESTIGATIVE GUIDELINES

- A. Before any interview in a performance complaint investigation, the supervisor conducting the interview will verbally inform the employee under investigation of the nature and details of the complaint and their specific rights and responsibilities. The employee may request this information be provided to them in writing; if this request is made, the supervisor will provide the employee with a completed Notice of Internal Affairs Complaint form.
- B. Before any interview in an allegation of misconduct investigation or a special examination in any administrative investigation, the employee under investigation will be provided with a completed Notice of Internal Affairs Complaint form.
 - 1. The form will provide the employee with a copy of the allegation(s) and a list of their specific rights and responsibilities during interviews and investigations.
 - 2. The Chief of Police may choose not to inform an employee that he/she is



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under investigation if the notice is likely to jeopardize the investigation.

- C. All interviews will be held during the employee’s regular work hours unless the seriousness of the accusation or other aggravating factors justifies an immediate interview.

- D. Employees under investigation will not be subjected to offensive language, threatened with dismissal or other disciplinary action, or be made promises by any supervisor or the assigned Internal Affairs Investigator.

- E. Administrative investigation interviews concerning allegations of serious misconduct and all criminal investigation interviews will be audio recorded unless a complainant or witness refuses to be recorded. Interviews regarding performance complaints are not required to be audio recorded, but may be audio recorded at the supervisor’s discretion. There is no requirement to video record any internal investigation interview; however, the supervisor may elect to video record an interview at their discretion.

At no time should internal interviews with an employee be conducted in the department’s interview room nor recorded on the department’s WatchGuard camera system.

- F. Employees subject to internal investigation may contact the assigned Internal Affairs Investigator to find out the status of the investigation.

- G. Employees will not be permitted to review any portion of an internal investigative file while the investigation is being conducted.

- H. Employees are prohibited from contacting any complainant in a criminal or administrative investigation. This is not intended to restrict employees under investigation from contacting another department employee on a work issue not related to the investigation.



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VIII. CONCURRENT CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

- A. If an allegation of misconduct alleges an act or acts that constitute both an administrative policy violation and a criminal violation, two separate investigations will be conducted.

- B. The Chief of Police will be responsible for the following:
 - 1. Determining if the criminal investigation will be conducted by Departmental personnel or by another appropriate investigative agency (typically the State Bureau of Investigation);
 - 2. Determining if the two investigations will be conducted concurrently (but separately) or if the criminal investigation will take precedence with the administrative investigation to follow after;
 - 3. If necessary, assigning separate internal affairs investigators to the two investigations (if the criminal investigation is investigated internally); and
 - 4. Notifying the involved employee(s) of the above decisions.

IX. TRUTHFULNESS

Employees subject to an internal administrative investigation must answer all questions truthfully. Any deception may result in additional department charges and/or disciplinary action up to and including dismissal.

X. SPECIAL EXAMINATIONS

- A. The Department may require medical, truth verification examinations or



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psychological examinations as part of an administrative investigation. Special examinations may be warranted and used:

1. When there is alleged or suspected criminal conduct;
 2. When there is suspected use of alcohol, drugs, or other impairing substances;
 3. When there is alleged or suspected misconduct of a non-criminal nature;
 4. When necessary to aid in the identification of an employee who is the subject of the allegation or violation;
 5. As part of any internal investigation.
- B. The Chief of Police or designee will order the employee to submit to special examinations. An employee's refusal to comply with such orders may result in dismissal.
- C. An employee may request a breath, blood, urine, psychological, truth verification examination or medical examinations in order to assist in his/her defense. The employee making such a request may be held responsible for any expenses relative to the requested procedures, dependent upon the circumstances of the case.
- D. If an identification line-up is used solely for administrative purposes, the employee may be required to stand in the line-up.
- E. Photographs of Department employees may be taken and used in conducting internal investigations.



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F. Property issued by the Department is subject to inspection at all times. There is no right to privacy or expectation of privacy in Town buildings or about Town-issued equipment. Evidence of work-related misconduct discovered therein may be used for the purposes of an administrative investigation. Property subject to inspection includes, but is not limited to:

1. vehicles,
2. firearms,
3. desks,
4. files,
5. electronic media and devises,
6. and storage lockers.

G. Employees may be required to submit financial disclosure statements as part of an internal investigation.

XI. EMPLOYEE RIGHTS

A. Prior to any interview or special examination, the employee under investigation will receive written notification of the complaint or alleged violation. The notification will include a copy of the complaint, or a summary that lists the relevant facts, and the employees' rights and responsibilities during the investigation process.

B. All interviews may be recorded and conducted when the employee is on duty, except when the seriousness of the matter requires an immediate interview. Employees placed on non-disciplinary suspension during an internal investigation will be considered on-duty during their appearance for such interviews and other required examinations.

C. Employees under investigation will not be subjected to verbal or physical abuse, and will be treated with civility and courtesy.



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- D. Accused employees may contact the investigator to determine the status of the investigation of a complaint.
- E. Accused employees will be provided the opportunity to explain their actions to the Chief of Police prior to the imposition of any disciplinary action.

XII. HEARINGS AND APPEALS

Hearings and appeals that result from internal affairs investigations will be conducted in compliance with the Town of Carrboro Personnel policies.

XIII. DISPOSITION OF A COMPLAINT

- A. At the conclusion of the investigation, the “Citizen Complaint” will be forwarded through the appropriate chain of command with each supervisory level indicating a recommendation.
- B. After receiving the investigation results, the Division Commander will forward the “Citizen Complaint” to the Chief of Police with their recommendation.
- C. The Division Commander will conduct a quality control check of the “Citizen Complaint” and prepare the file for data entry and file maintenance.
- D. If an employee violation is noted and the recommended disciplinary action(s) is higher than a Written Reprimand, the “Citizen Complaint” will be forwarded to the Chief of Police, or his designee, for final review.
- E. Upon review by the Chief of Police, or his designee, and after a final decision has been rendered, the “Citizen Complaint” will be maintained as a matter of record in RMS and/or the Chief’s files.
- F. If possible, a notification letter will be mailed by the Chief of Police to the complainant advising them the investigation has been concluded and that appropriate action has been taken.



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- G. “Citizen Complaints” will be tracked by an employee’s name and can assist in indicating a pattern of poor performance.
- H. A complainant’s name will be tracked also to see if a pattern of repeat complaining exists.
- I. Employees under investigation will receive a notification from IA to inform them of the disposition of the complaint. This notification may be verbal, written, or via electronic communication.
- J. If the complaint is sustained the employee will be notified in the manner described above what corrective/disciplinary action has been recommended or enacted.

XIV. COMPLIMENTS

- A. Part of maintaining a professional environment and the morale of CPD employees is acknowledging a job well done.
- B. Compliments towards an employee can come from internal and external sources.
- C. Compliments towards an employee can be documented through a “Positive Contact” entry in RMS.
- D. Like a citizen complaint, it is the responsibility of all employees to accept compliments on officers and forward the information to the appropriate supervisor for a “Positive Contact” entry.
- E. Supervisors are encouraged to complete a “Positive Contact” when they have received a compliment on an officer.
- F. “Positive Compliments” will be recorded and forwarded though the involved employee’s chain of command for review and acknowledgment.
- G. All “Positive Compliments” will be maintained in the employee’s file contained by the officer’s supervisor and should be reviewed when completing Performance Evaluations, selection for a specialized assignment, and promotion processes.



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XV. EARLY INTERVENTION SYSTEM

A. Policy

1. In recognizing and respecting the value and dignity of every person, law enforcement officers with the lawful authority to use force to protect the public welfare, must exercise reasonable constraints and good judgment. Policing is an occupation that is rife with opportunities for misconduct. The department recognizes that the nature of one's assignment must be taken into consideration upon review of incidents.
2. The Early Warning Tracking System is designed to identify and monitor such behavior and bring about corrective action through structured supervisory review, with the officer involved, of his/her course of conduct. The long-term objective of this system is to create a culture of accountability throughout the Department.

B. Procedure

1. Early Warning Tracking System I – Citizen Complaints: Any personnel with two (2) or more complaints with a finding of substantiated or inconclusive within a 12-month time frame.
2. Early Warning Tracking System II – Use of Force: Any personnel with three (3) or more use of force incidents within a 12-month time frame. This includes any combination of OC Spray usage, CEW (Taser) Usage, Baton Strikes, or any physical force beyond guiding an offender to the ground during an arrest.
3. Early Warning Tracking System III – Reprimands: Any personnel with two (2) or more written reprimands within a 12-month time frame.
4. Early Warning Tracking System IV – Discharge of Firearms: Any personnel with two (2) or more discharge of firearm incidents over a 24-month time frame.
5. Early Warning Tracking System V – Vehicle Collisions: Any personnel with three (3) or more vehicle collisions within a 12-month time frame. This provision applies to officers while operating their assigned patrol vehicle in the performance of their official duties.



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C. Responsibility

1. Once it is revealed that a member of the Carrboro Police Department has fallen under one of the five aforementioned Early Warning Tracking System categories, the commander of the division to which the officer is assigned, shall provide a complete written review of the incidents involved. The emphasis of this review shall be geared toward preventative action (if applicable) to maximize employee proficiency and operational efficiency. This will require consistent review as part of the division commanders' day-to-day duties. Thus, an Incident Tracking Form shall be developed and updated each time there is an incident (in any of the five categories) involving personnel from the Carrboro Police Department. To ensure ease of use, the columns shall be color coded for each of the five categories. This will only apply for Early Warning System I, II, IV, and V.
2. The Incident Tracking Form shall include the affected personnel's name, sex, race, age, date of incident, location of incident, a brief synopsis, offender's name, sex, race, and age.
3. When the written review is completed, a meeting will be held with the supervisor who wrote the report, the affected personnel, his/her supervisor (if applicable), the appropriate divisional Captain, and the Chief of Police.
4. Among the recommendations that may be proffered if applicable are:
 - a. Retraining;
 - b. Reassignment/Transfer;
 - c. Referral to the Employee Assistance Program;
 - d. Fitness for Duty Evaluation;
 - e. No action; or
 - f. Commendation.



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XVI. CONFIDENTIALITY

- A. Records pertaining to complaints against the Department or its employees, and any documentation resulting from internal investigations, will be maintained in a secure file that is separate from the Department’s central records system and personnel files.
- B. North Carolina General Statutes Section 160A-168 governs the release of such information.
- C. Supervisory personnel shall not disclose personnel action taken to any member of the department or public. Disclosure of personnel actions taken against an employee may be disclosed to City Council during a closed session Council meeting, at the discretion of the City Manager, or as provided in G.S. § 160A-168.

XVII. DISCIPLINARY ACTION

- A. The Chief of Police will review investigation reports and supporting documentation, and will make the final determination for recommended disciplinary action.
- B. Any disciplinary action arising from a supervisory or internal investigation will be administered in compliance with the Town Personnel policies and departmental procedures. The Town of Carrboro Human Resources Director and the Town Manager will be notified and informed as appropriate in all administrative investigations where suspension, demotion, termination, or other change in personnel status is recommended to occur.
- C. Employees wishing to file a grievance of personnel action shall follow the Town of Carrboro Personnel Policy.